

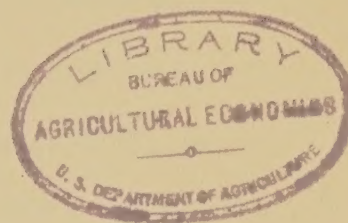
Historic, Archive Document

Do not assume content reflects current
scientific knowledge, policies, or practices.

UNITED STATES DEPARTMENT OF AGRICULTURE
Bureau of Agricultural Economics

1.9
Ec792N
NOV 14 1929

REGULATIONS
of the
Secretary of Agriculture
under the
UNITED STATES WAREHOUSE ACT
of August 11, 1916
as amended



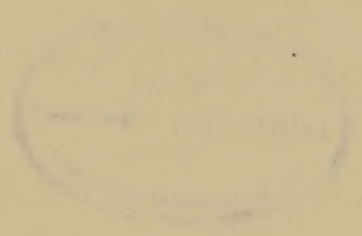
Regulations for Warehousemen Storing Nuts

Approved October 22, 1929

Washington, D. C.
October, 1929

THE UNIVERSITY OF CHICAGO
LIBRARY

EXHIBIT



EXHIBIT

EXHIBIT

EXHIBIT

EXHIBIT

EXHIBIT

EXHIBIT

EXHIBIT

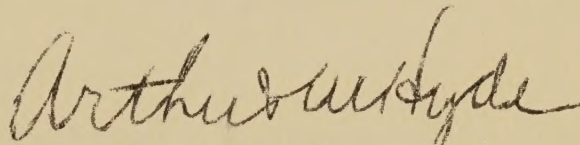
EXHIBIT

EXHIBIT

UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY

By virtue of the authority vested in the Secretary of Agriculture by the United States Warehouse Act, approved August 11, 1916 (39 U. S. Stat. L., p.486), as amended, I, Arthur M. Hyde, Secretary of Agriculture, do make, prescribe, publish and give public notice of the following rules and regulations to be known as the "Regulations for Warehousemen Storing Nuts" and to be in force and effect on and after October 21, 1929, unless amended or superseded by rules and regulations which may hereafter be made by the Secretary of Agriculture under said Act.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 22nd day of October, 1929.

A handwritten signature in dark ink, reading "Arthur M. Hyde". The signature is written in a cursive style with a large, stylized initial "A".

Secretary of Agriculture.

REGULATIONS FOR WAREHOUSEMEN STORING NUTS UNDER THE
UNITED STATES WAREHOUSE ACT

Regulation 1. Definitions

SECTION 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

Words import singular or plural.

SEC. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean--

Terms defined.

Paragraph 1. Nuts. - Unshelled, American-grown peanuts, pecans, filberts, and English or Persian Walnuts.

Nuts.

Paragraph 2. The act. - The United States warehouse act, approved August 11, 1916 (39 U. S. Stat. at L., pp. 446,486), as amended.

The act.

Paragraph 3. Person. - An individual, corporation, partnership, or two or more persons having a joint or common interest.

Person.

Paragraph 4. Secretary. - The Secretary of Agriculture of the United States.

Secretary.

Paragraph 5. Chief of the bureau. - The Chief of the Bureau of Agricultural Economics.

Chief of the Bureau.

Paragraph 6. Regulations. - Rules and regulations made under the act by the Secretary.

Regulations.

Paragraph 7. Bureau. - The Bureau of Agricultural Economics of the United States Department of Agriculture.

Bureau.

Paragraph 8. Warehouse. - Unless otherwise clearly Warehouse.
indicated by the context, any suitable building, structure,
or other protected inclosure in which nuts are or may be
stored for interstate or foreign commerce, or, if located
in any place under the exclusive jurisdiction of the United
States, in which nuts are or may be stored, and for which
a license has been issued under the Act.

Paragraph 9. Warehouseman. - Unless otherwise clear- Warehouseman.
ly indicated by the context, any person lawfully engaged in
the business of storing nuts and holding a warehouse license.

Paragraph 10. License. - A license issued under the License.
act by the Secretary.

Paragraph 11. Licensed warehouseman's bond. - A bond Licensed
required to be given under the act by a licensed warehouse- warehouseman's
man. bond.

Paragraph 12. Licensed grader. - A person licensed Licensed
under the act by the Secretary to grade and to certificate grader.
the grade or other class of nuts stored or to be stored in
a licensed warehouse.

Paragraph 13. Licensed weigher. - A person licensed Licensed
under the act by the Secretary to weigh and certificate the weigher.
weight of nuts stored or to be stored in a licensed warehouse.

Paragraph 14. Licensed inspector. - A person li- Licensed
censed under the act by the Secretary to sample,* to inspect, Inspector.
and to certificate the condition for storage of nuts.

Paragraph 15. Receipts. - A licensed warehouse receipt Receipt.
issued under the Act, unless otherwise specified.

Paragraph 16. Package. - A bag, sack, box, or other container.

Package.

Regulation 2. Warehouse Licenses.

Warehouse licenses.

SECTION 1. Applications for licenses under section 4 and 9 of the act and for modifications or extensions of licenses under section 5 of the act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the bureau, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the chief of the bureau shall find to be necessary to the consideration of his application by the Secretary.

Application form.

SEC. 2. A license for the conduct of a warehouse shall not be issued if it be found by the Secretary that the warehouse is not suitable for the proper storage of nuts, that the warehouseman is incompetent to conduct such warehouse in accordance with the act and these regulations, or that there is any other sufficient reason within the purposes of the act for not issuing such license.

Grounds for not issuing license.

SEC. 3. The warehouseman conducting a warehouse licensed or for which application for license has been made under the act, shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least \$5 per ton of the maximum number of tons of peanuts, two (2) cents per pound of the maximum number of pounds of walnuts or filberts, and/or three (3) cents per pound of the maximum number of pounds of pecans that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the chief of the bureau, except that the amount of such assets shall not be less than \$5,000, and need not be more than \$100,000. In case such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid-in capital stock, as such, shall not be considered a liability. Any deficiency in the required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with paragraph 2 of section 2 of regulation 3.

Net assets
required.

SEC. 4. Immediately upon receipt of his license or of any modification or extension thereof under the act, the warehouseman shall post the same, and thereafter, except as otherwise provided in these regulations, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehouseman are delivered to depositors.

License
or extension
shall be
posted.

SEC. 5. Pending investigation, the Secretary, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary may, without hearing, suspend or cancel the license issued to such warehouseman. The Secretary may, after opportunity for hearing, when possible, has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a warehouseman when such warehouseman is (a) bankrupt or insolvent; (b) has parted, in whole or in part, with his control over the licensed warehouse; (c) is in process of dissolution or has been dissolved; (d) has ceased to conduct such licensed warehouse; or (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse. Whenever any of the conditions mentioned in subdivisions (a) to (e) of this section shall come into existence, it shall be the duty of the warehouseman to notify immediately the chief of the bureau of the existing condition. Before a license is suspended, revoked, or canceled for any violation of, or failure to comply with, any provision of the act or of these regulations or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4.

Suspension,
cancellation
or revocation
of warehouse
licenses.

SEC. 6. When a license issued to a warehouseman terminates or is suspended, revoked, or canceled by the Secretary, it shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless it be in the meantime revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as required in section 4 of this regulation: Provided, That in the discretion of the chief of the bureau a new license may be issued without reference to such suspension.

Suspended or terminated license to be returned to Secretary.

SEC. 7. Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same or a new number at the discretion of the Secretary.

Lost or destroyed warehouse license.

SEC. 8. No warehouse or its warehouseman shall be designated as licensed under the act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended, unrevoked, and uncanceled license for the conduct of such warehouse.

Unlicensed warehousemen must not represent themselves as licensed.

Regulation 3. Warehouse Bonds

SECTION 1. Unless the warehouseman has previously filed with the Secretary the necessary bond required by section 2 of this regulation, he shall file such bond within a time, if any, specified by the Secretary, such bond to cover all obligations arising thereunder during the period of the license.

Time of filing bond.

SEC. 2. Paragraph 1. Exclusive of any amount which may be added in accordance with paragraphs 2 and 3 of this section, the amount of such bond shall be at the rate of \$5 per ton of the maximum number of tons of peanuts, two (2) cents per pound of the maximum number of pounds of walnuts or filberts, and/or three (3) cents per pound of the maximum number of pounds of pecans that the warehouse will accommodate when stored in the manner customary to the warehouse for which such bond is required, as determined by the chief of the bureau, but not less than \$5,000 nor more than \$50,000. If such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, and shall desire to give a single bond meeting the requirements of the act and these regulations for said warehouses, such warehouses shall be deemed to be one warehouse for the purposes of the bond required under this regulation. The amount of any bond covering more than one warehouse shall be determined on the same basis as for a single warehouse, but with the maximum amount raised to \$100,000.

Amount based
on storage
capacity.

Paragraph 2. In case of a deficiency in net assets under regulation 2, section 3, there shall be added to the amount of the bond, fixed in accordance with paragraph 1 of this section, an amount equal to such deficiency.

Additional
amount for
deficiency in
net assets.

1. The first part of the paper is devoted to a general discussion of the problem.

2. The second part is devoted to a detailed analysis of the case of a single particle.

3. The third part is devoted to a detailed analysis of the case of a system of particles.

4. The fourth part is devoted to a detailed analysis of the case of a system of particles.

5. The fifth part is devoted to a detailed analysis of the case of a system of particles.

6. The sixth part is devoted to a detailed analysis of the case of a system of particles.

7. The seventh part is devoted to a detailed analysis of the case of a system of particles.

8. The eighth part is devoted to a detailed analysis of the case of a system of particles.

9. The ninth part is devoted to a detailed analysis of the case of a system of particles.

10. The tenth part is devoted to a detailed analysis of the case of a system of particles.

11. The eleventh part is devoted to a detailed analysis of the case of a system of particles.

12. The twelfth part is devoted to a detailed analysis of the case of a system of particles.

13. The thirteenth part is devoted to a detailed analysis of the case of a system of particles.

14. The fourteenth part is devoted to a detailed analysis of the case of a system of particles.

15. The fifteenth part is devoted to a detailed analysis of the case of a system of particles.

16. The sixteenth part is devoted to a detailed analysis of the case of a system of particles.

17. The seventeenth part is devoted to a detailed analysis of the case of a system of particles.

18. The eighteenth part is devoted to a detailed analysis of the case of a system of particles.

19. The nineteenth part is devoted to a detailed analysis of the case of a system of particles.

20. The twentieth part is devoted to a detailed analysis of the case of a system of particles.

Paragraph 3. In case the Secretary finds the existence of Additional conditions warranting such action, there shall be added to the amount for special conditions. amount fixed in accordance with paragraphs 1 and 2 of this section a further amount, fixed by him, to meet such conditions.

SEC. 3. If application is made under regulation 2, Extension or modification of license and additional bond. section 1, for a modification or an extension of a license, and no bond previously filed by the warehouseman under this regulation covers obligations arising during the period of such modification or extension, the warehouseman shall, when notice has been given by the Secretary or his representative, that his application for such modification or extension will be granted upon compliance by such warehouseman with the act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the act, unless bond in sufficient amount has been filed since the filing of such application. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the act and these regulations may be filed in lieu of a new bond.

SEC. 4. Whenever a continuous form of license has been issued, such license shall not be effective beyond one year from its effective date unless the warehouseman shall have filed a new bond in the required amount with, and such bond shall have been approved by, the Secretary prior to the date on which that license would have expired had it been issued for but one year, subject to the provisions of section 3 of this regulation.

New bond
required to
continue li-
cense be-
yond one
year.

SEC. 5. No bond, amendment, or continuation thereof shall be deemed accepted for the purpose of the act and these regulations until it has been approved by the Secretary.

Approval
of bond.

Regulation 4. Warehouse Receipts

Warehouse
receipts.

SECTION 1. Paragraph 1. Every receipt, whether negotiable or nonnegotiable, issued for nuts stored in a licensed warehouse shall, in addition to complying with the requirements of section 18 of the act, embody within its written or printed terms the following: (a) The name of the licensed warehouseman and the designation, if any, of the warehouse; (b) the license number of the warehouse; (c) a statement whether the warehouseman is incorporated or unincorporated, and, if incorporated, under what laws; (d) the tag number given to each package or lot of nuts in accordance with regulation 5, section 11; (e) a statement, conspicuously placed, whether or not the nuts are insured, and, if insured, to what extent, by the warehouseman against loss by fire, lightning, tornado or flood; (f) a blank space designated for the purpose in which the condition of the nuts shall be stated; (g) a blank space designated for the purpose in which the variety and kind of nuts shall be stated; (h) the words "Not negotiable" or "Negotiable", according to the nature of the receipt, clearly and conspicuously printed or stamped thereon; and (i) a statement indicating the amount of shrinkage, if any, agreed upon between the depositor and the warehouseman.

Contents of
negotiable
and nonnego-
tiable re-
ceipts.

Paragraph 2. Every receipt, whether negotiable or non-negotiable, issued for peanuts stored in a licensed warehouse shall specify a period, for which the peanuts are accepted for storage under the act and these regulations not to extend beyond July 1 following the year in which harvested. Upon demand and the surrender of the old receipt by the lawful holder thereof on July 1, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of peanuts in the warehouse, if he then continues to act as a licensed warehouseman, may issue a new receipt for a further specified period not to extend beyond March 31 of the year following the date of surrender of the receipt; provided, that the peanuts are first reinspected by a licensed inspector and found to be in proper condition for further storage and the grade and condition as determined by the licensed inspector and the year in which the peanuts were harvested are shown on the new receipt.

Storage
period for
peanuts.

Paragraph 3. Every receipt, whether negotiable or nonnegotiable, issued for walnuts, filberts or pecans stored in a licensed warehouse under ordinary dry storage conditions shall specify a period for which the walnuts, filberts, or pecans are accepted for storage under the act and these regulations not to extend beyond March 31 following the year in which harvested.

Storage
period for
walnuts,
filberts,
and pecans.

Upon demand by the lawful holder and surrender of this receipt on or before March 31, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of walnuts, filberts, or pecans in his warehouse, if he then continues to act as a licensed warehouseman may issue a new receipt for a further specified period not to extend beyond December 31 of the year following the date of surrender of the receipt; provided, that the walnuts, filberts, or pecans are first reinspected by a licensed inspector and found to be in proper condition for further storage and the grade and condition as determined by the licensed inspector and the year in which the walnuts, filberts, or pecans were harvested are shown on the new receipt; and provided further that such nuts are placed in licensed cold storage space before or immediately following inspection thereof and before the issuance of receipts.

Paragraph 4. The grade stated in a receipt issued for nuts, shall be stated in such receipt in accordance with regulation 8, as determined by the licensed grader who last graded the nuts before the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (a) That the nuts covered by the receipt were graded by a licensed grader, weighed by a licensed weigher and inspected by a licensed inspector; (b) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on the nuts covered by the receipt.

Additional contents of negotiable receipts.

Paragraph 5. If a warehouseman issues a receipt omitting the statement of grade on request of the depositor as permitted by section 13 of the act, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "Not graded on request of depositor."

When grade omitted receipt must be so marked.

Paragraph 6. If a warehouseman issues a receipt under the act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

Blank spaces in receipt to be filled in.

SEC. 2. If any copies of receipts are made, all such copies, except those issued in lieu of the original in case of lost or destroyed receipts, shall, if there be no statute of the United States or law of a State providing otherwise, have clearly and conspicuously printed or stamped thereon the words "Copy--Not Negotiable ",

Copies of
receipts.

SEC. 3. Paragraph 1. In the case of a lost or destroyed receipt, if there be no statute of the United States or law of a State applicable thereto, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph 2 of this section.

Lost or
destroyed
receipts.

Paragraph 2. Before issuing such duplicate receipt the licensed warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (a) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (b) a bond in an amount double the value, at the time the bond is given, of the nuts represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and shall have as surety thereon (a) a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or (b) at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, to the extent of the amount of bond.

Affidavit
of loss or
destruction
of receipts.

Bond.

SEC. 4. No receipt shall be issued by a licensed warehouseman except it be (1) in form prescribed by the chief of the bureau; (2) upon distinctive paper specified by him; (3) printed by a printer with whom the United States has a subsisting contract and bond for such printing; and (4) on paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper.

Form of receipt and printing thereof.

SEC. 5. If a warehouseman deliver a part only of a lot of nuts for which he has issued a negotiable receipt under the act, he shall take up and cancel such receipt and issue a new receipt bearing the same lot number for the undelivered portion of the nuts. In addition to showing the information required by section 1 of this regulation, the new receipt shall also indicate the date and number of the receipt which it supersedes.

Partial delivery of nuts.

SEC. 6. Except as permitted by law or by these regulations, a warehouseman shall not deliver nuts for which he has issued a negotiable receipt until the receipt has been returned to him and canceled; and shall not deliver nuts for which he has issued a nonnegotiable receipt until such receipt has been returned to him, or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written order therefor.

Delivery on negotiable and nonnegotiable receipts.

SEC. 7. Each person to whom a nonnegotiable receipt is issued shall furnish the warehouseman with a statement in writing indicating the person or persons having power to authorize delivery of nuts covered by such receipt, together with the bona fide signature of such person or persons. No licensed warehouseman shall honor an order for the release of nuts covered by a nonnegotiable receipt until he has first ascertained that the person issuing the order has authority to order such release and that the signature of the releasing party is genuine; provided that if the holder of such non-negotiable receipts agrees in writing to hold blameless both the warehouseman and bondsman for any loss that might result from improper delivery through receipt of an unauthorized telegram, deliveries may be made on receipt of telegraphic orders to be followed immediately with usual confirmation order.

Signatures
of persons
authorized
to direct
delivery to
be filed with
warehouseman.

SEC. 8. No warehouseman shall, directly or indirectly, by any means whatever, compel or attempt to compel the depositor of any nuts, stored in his licensed warehouse, to request the issuance of a receipt omitting the statement of grade.

Warehouseman
enjoined from
compelling
omission of
grade on re-
ceipt.

Regulation 5. Duties of Licensed Warehouseman.

SECTION 1. No warehouseman shall accept nuts for storage until they have been inspected and approved by a licensed inspector.

Nuts must be
inspected by
licensed
inspector.

SEC. 2. Paragraph 1. Each licensed warehouseman, when so requested in writing as to any nuts by the depositor thereof or lawful holder of the receipt covering such nuts, shall, to the extent to which in the exercise of due diligence he is able to procure such insurance, keep such nuts while in his custody as a licensed warehouseman insured in his own name or arrange for insurance otherwise to the extent so requested against loss or damage by fire, lightning, tornado or flood. When insurance is not carried in the warehouseman's name the receipts shall show that the nuts are not insured by the warehouseman. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought, in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telegraph or by telephone and at his own expense, immediately notify the person making the request of the fact. Nothing in this section shall be construed to prevent the warehouseman from adopting a rule that he will insure all nuts stored in his warehouse.

Insurance
against fire,
lightning,
tornado or
flood.

Paragraph 2. Each warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 4, and at such other place as the chief of the bureau or his representative may from time to time designate a notice stating briefly the conditions under which the nuts will be insured against loss or damage by fire, lightning or tornado.

Notice regarding insurance to be posted.

SEC. 3. Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

Premiums, inspections and reports.

SEC. 4. Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of these regulations, and shall, as soon as collected, promptly pay over to the persons concerned any portion of such moneys which they may be entitled to receive from him.

Warehouseman to collect and pay over insurance.

SEC. 5. At the time nuts are received for storage the warehouseman and the depositor shall agree upon an amount to be allowed for shrinkage while the products are in storage, such shrinkage to include loss caused by natural drying out of the nuts, if any, and by rodents, but in no event shall the total amount of shrinkage exceed 5 per cent of the weight of the nuts at the time they entered storage.

Agreement
as to shrinkage.

SEC. 6. Each warehouseman shall at all times exercise such care in regard to nuts in his custody as a reasonably careful owner would exercise under the same circumstances and conditions. Walnuts, filberts and/or pecans stored under licensed receipts between March 31 and December 31, of the year following the year in which such walnuts, filberts and/or pecans were harvested must be stored in a licensed cold storage warehouse or room. The warehouseman shall maintain an even temperature in such licensed space, which temperature shall not exceed 34° F. nor be less than 32° F. at any time while the walnuts, filberts and/or pecans are in storage. Such licensed cold storage warehouse or room shall be equipped with automatic recording thermometers approved by the chief of the bureau or his representative and continuous temperature records or charts shall be kept by the warehouseman.

Care of nuts
in licensed
warehouse.

Must maintain
even temperature

Must keep
records or
charts showing
temperatures.

SEC. 7. If at any time a warehouseman shall handle nuts other than for storage, or shall handle or store any other commodity, he shall so protect the same and otherwise exercise such care with respect to them as not to endanger the nuts in his custody as a licensed warehouseman, or impair his ability to meet his obligations and perform his duties under the act and these regulations. If the warehouseman shall store commodities other than those for which he is licensed, a nonlicensed receipt shall be issued. Under no circumstances shall any commodities for the storage of which the warehouseman is not licensed be stored if the storage of such commodities might adversely affect the commercial value of or impair the insurance on nuts covered by licensed receipts.

Condition under which storage of nonlicensed products permissible.

SEC. 8. Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the warehouse, including his current receipt book, copies of receipts issued, and canceled receipts, except that with the written consent of the chief of the bureau, or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety approved by the chief of the bureau or his representative. All canceled receipts shall be arranged by the warehouseman in numerical order as soon as possible after their cancellation and shall be preserved in numerical order thereafter.

Records to be kept in safe place.

SEC. 9. A warehouseman shall not make any unreasonable or exorbitant charge for service rendered. Before a license to conduct a warehouse is granted under the act the warehouseman shall file with the bureau a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges, he shall file with the bureau a statement in writing showing the proposed change and the reasons therefor. Each warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 4, and at such other places, accessible to the public, as the chief of the bureau or his representative may from time to time designate, a copy of his current rules and schedule of charges.

Warehouse
charges.

SEC. 10. Paragraph 1. Each licensed warehouse shall be kept open for the purpose of receiving nuts for storage and delivering nuts out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph 2 of this section, provided, that nothing contained in this regulation shall be construed to give authority for any warehouseman to accept walnuts, filberts and/or pecans for storage except as indicated in regulation 4, section 1, paragraph 3. The warehouseman shall keep conspicuously posted on the door of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

Business
hours.

Paragraph 2. In case the warehouse is not to be kept open as required by paragraph 1 of this section, the notice posted as prescribed in that paragraph shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, who shall be authorized to deliver nuts stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

Closing
of warehouse.

SEC. 11. Each warehouseman shall, upon acceptance of any lot of nuts in packages for storage, immediately stencil or mark an identification number or mark on each such package in the lot and attach to such lot a tag of good quality which shall identify the lot. Such tag shall show the lot number, the identification mark on each package, the number of the receipt issued to cover such nuts, the number of sacks in the lot, the kind and variety of the nuts, the grade if determined and the gross weight of the nuts at the time they entered storage.

Each pack-
age to be
marked and
each lot to
be tagged.

SEC. 12. Each warehouseman shall so store each lot of nuts for which a receipt under the act has been issued that the tag thereon, required by section 11 of this regulation, is visible and readily accessible, and shall arrange all packages in his licensed warehouse so as to permit an accurate count thereof and to facilitate sampling of the nuts and inspection for condition.

Arrangement
and tagging
of stored
nuts.

SEC. 13. Each licensed warehouseman shall accept all nuts for storage and shall deliver out of storage all bulk nuts, other than specially binned or sacked nuts, in accordance with the grade of such nuts as determined by a person duly licensed to grade such nuts and to certify the grade thereof, and in accordance with the weights of such nuts as determined by a person duly licensed to weigh such nuts and to certify the weight thereof, under the act and these regulations, and in accordance with the agreement regarding shrinkage as shown by the terms of the receipt.

Grades and weights according to which bulk nuts shall be accepted and delivered.

SEC. 14. Upon the acceptance by a licensed warehouseman, for storage in his licensed warehouse, of any lot of bulk nuts the identity of which is to be preserved, he shall store, or cause to be stored, such nuts in an individual bin or compartment designated by lot or cargo numbers, or by letters, numbers or other clearly distinguishable words or signs, permanently and securely affixed thereto, or shall so mark the container or containers of such nuts or so place the nuts in the warehouse that their identity will not be lost during the storage period.

Bulk storage of identity preserved nuts.

SEC. 15. Except as may be provided by law or these regulations, each licensed warehouseman, (a) upon proper presentation of a receipt for any bulk, other than specially binned nuts, and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt nuts of the grade and quantity specified in such receipt, after making due allowance for such shrinkage as the receipt stipulates, and (b) upon proper presentation of a receipt for any nuts, the identity of which was to have been preserved during the storage period, and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto, the identical nuts stored in his licensed warehouse.

Delivery
of bulk nuts.

SEC. 16. Each licensed warehouseman shall use for his licensed warehouse a system of accounts, approved for the purpose by the chief of the bureau, which shall show for each lot of nuts, the name of the depositor, the weight of the nuts, the number of packages in each lot, the grade when grade is required to be, or is, ascertained, the location, the dates received for and delivered out of storage and the receipts issued and canceled, a separate record for each depositor and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies. In the case of nuts stored in packages, the tag number mentioned in section 11 of this regulation shall be shown.

System of
accounts.

SEC. 17. Each licensed warehouseman shall, from time Reports.
to time, when requested by the chief of the bureau, make such
reports, on forms prescribed and furnished for the purpose by
the bureau, concerning the condition, contents, operation and
business of the warehouse, as the chief of the bureau may require.

SEC. 18. Each warehouseman, when requested by the bu- Canceled re-
reau, shall forward his canceled receipts for auditing to such cepts to be
field offices of the bureau as may be designated from time to forwarded to
time. For the purpose of this section, only such portion as bureau for
the bureau may designate of each canceled receipt, numbered auditing.
to correspond with the actual receipt number, need be submitted.

SEC. 19. Each warehouseman shall keep on file, as a Copies of
part of the records of the warehouse, for such period as may be reports to
prescribed by the chief of the bureau for each kind of report, be kept.
an exact copy of each such report submitted by such warehouse-
man under this regulation.

SEC. 20. Each licensed warehouseman shall permit any Inspections
officer or agent of the Department of Agriculture, authorized and examina-
by the Secretary for the purpose, to enter and inspect or ex- tions of
amine, on any business day during the usual hours of business, warehouses.
any warehouse for the conduct of which such warehouseman holds
a license, the office thereof, the books, records, papers and
accounts relating thereto, and the contents thereof, and such
warehouseman shall furnish such officer or agent the assistance
necessary to enable him to make any inspection or examination
under this section.

SEC. 21. The apparatus used for determining the weight, quantity, or quality stated in a receipt or certificate shall be subject to examination by any officer or agent of the Department of Agriculture employed for such purpose. If the bureau shall disapprove such apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight, quantity, or quality of nuts for the purposes of the act and these regulations.

Inspection of weighing, testing, and measuring apparatus.

SEC. 22. Each licensed warehouseman shall keep his warehouse clean and free from trash, dust, rubbish and scattered nuts, and shall provide bins for the storage of nuts in bulk. He shall also exercise every precaution to keep his warehouse free of rats or insects that might cause damage or injury to nuts in storage.

Warehouse to be kept clean.

SEC. 23. Paragraph 1. Each licensed warehouseman shall, during the life of his license, maintain suitable signs on the licensed property in such a manner as will give ample notice of his tenancy of all buildings or parts thereof included in his license.

Signs as to tenancy.

Paragraph 2. Such signs shall be of appropriate size and design and shall include the following: (a) The name of the licensee, (b) the license number of the warehouse, (c) whether the warehouseman is owner or lessee, and (d) the words "Public Warehouse".

Design and wording.

Par. 3. Such other wording or lettering may appear in the sign or signs not inconsistent with the purpose of the act and these regulations, subject to the approval of the bureau.

Other wording permitted.

Par. 4. Upon the expiration of his license, or during periods of suspension thereof, the warehouseman shall immediately remove such signs or portions thereof as may convey the impression that the warehouse is licensed.

Removal of signs at expiration or suspension of license.

Par. 5. The warehouseman shall not permit any signs to remain on his licensed property which might lead to confusion as to the tenancy.

Signs in conflict with tenancy to be removed.

SEC. 24. If at any time a warehouseman shall store nuts in his licensed warehouse in excess of the capacity thereof determined in accordance with paragraph 1 of section 2 of regulation 3, such warehouseman shall so arrange the nuts as not to obstruct free access thereto and the proper use of sprinkler or other fire protection equipment provided for such warehouse, and shall immediately notify the chief of the bureau of such excess storage and arrangement thereof.

Excess storage.

SEC. 25. Except as may be permitted by law or these regulations, a licensed warehouseman shall not remove any nuts for storage from the licensed warehouse or the part thereof designated in the receipt for such nuts until such receipt is first surrendered and canceled. If it becomes absolutely necessary to remove the nuts prior to the surrender of the receipts in order to protect the interests of holders of the receipts, the warehouseman shall notify the chief of the bureau of such removal and the necessity therefor.

Removal of nuts from storage.

SEC. 26. A warehouseman shall not under any circumstances accept for storage any nuts in his licensed warehouse that are wet, improperly cured or otherwise of a condition rendering them unsuitable for storage.

Storage
of wet nuts
prohibited.

SEC. 27. A warehouseman shall not handle or store nuts in such manner as will injure or damage them or in any part of the warehouse in which they are likely to be injured or damaged by excessive moisture, or otherwise.

Nuts to be
so stored as
not to damage.

SEC. 28. Paragraph 1. If the licensed warehouseman, with the approval of the licensed inspector, shall determine that any nuts are deteriorating and that such deterioration can not be stopped, the licensed warehouseman shall give immediate notice of the fact, in accordance with paragraphs 2 and 3 of this section.

Warehouse-
man shall give
notice of nuts
out of condi-
tion.

Paragraph 2. Such notice shall state (a) the warehouse in which the nuts are stored; (b) the quantity, kind and grade of the nuts at the time the notice is given; (c) the actual condition of the nuts as nearly as can be ascertained, and the reason, if known, for such condition; (d) the outstanding receipts covering the amount of nuts out of condition, giving the number and date of each such receipt and the quantity, the kind and grade of the nuts as stated in each such receipt; and (e) that such nuts will be delivered upon the return and cancellation of the receipts therefor.

Contents
of notice.

Paragraph 3. A copy of such notice shall be delivered in person or shall be sent by mail (a) to the persons holding the receipts, if known to the licensed warehouseman; (b) to the person who originally deposits the nuts; (c) to any other persons known by the licensed warehouseman to be interested in the nuts; and (d) to the chief of the bureau. If the holders of the receipts and the owners of the nuts are known to the licensed warehouseman and can not, in the regular course of the mails, be reached within 12 hours, the licensed warehouseman shall, whether or not requested so to do, also immediately notify such persons by telegraph or telephone at their expense.

Persons to whom notice shall be sent.

Public notice shall also be given by posting a copy of such notice at the place where the warehouseman is required to post his license.

Notice to be posted.

Paragraph 4. Any person, interested in any nuts or the receipt covering such nuts stored in a licensed warehouse, may, in writing, notify the licensed warehouseman, conducting such licensed warehouse, of the fact of his interest, and such licensed warehouseman shall keep a record of the fact. If such person request in writing that he be notified regarding the condition of any such nuts and agree to pay the cost of any telegraph or telephone toll charge, such licensed warehouseman shall notify such person in accordance with such request.

Record of persons interested in receipt of nuts.

Paragraph 5. Nothing contained in this section shall be construed as relieving the licensed warehouseman from properly caring for any nuts after notification of their condition in accordance with this section.

Warehouseman not relieved from properly caring for nuts at all times.

SEC. 29. If the nuts, advertised in accordance with the requirements of section 28 of this regulation, have not been removed from storage by the owner thereof within 5 days from the date of notice of their being out of condition, the licensed warehouseman in whose licensed warehouse such nuts are stored may sell the same at public auction at the expense and for the account of the owner after giving 10 days' notice in the manner specified in paragraph 3 of section 28 of this regulation.

Nuts may be sold at public auction after notice.

SEC. 30. Each warehouseman shall faithfully perform his obligation as a warehouseman under the laws of the State in which he is conducting his licensed warehouse and such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of nuts in such warehouse.

Warehouseman must comply with State law and his contracts.

SEC. 31. If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by wire to the chief of the bureau the occurrence of such fire and the extent of damage.

Fire loss to be reported by wire.

SEC. 32. When a grade or weight certificate has been issued by a licensed grader or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the nuts covered by such certificate are stored, and such certificate shall become a part of the records of the licensed warehouseman.

Grade or weight certificate to be filed.

Regulation 6. Fees.

SECTION 1. There shall be charged, assessed and collected a fee of \$2 for each warehouseman's license.

Warehouse license fees.

SEC. 2. There shall be charged, assessed, and collected for each original examination or inspection of a warehouse under the act, when such examination or inspection is made upon application of a warehouseman, a fee at the rate of \$1 for each 100 tons of peanuts and/or \$4 for each 1000 hundredweight of walnuts, filberts or pecans of the storage capacity, or fraction thereof, determined in accordance with paragraph 1 of section 2 of regulation 3, but in no case less than \$5 nor more than \$100, and, for each reexamination or reinspection applied for by such warehouseman, a fee, based on the extent of the reexamination or reinspection, proportioned to, but not greater than, that prescribed for the original examination or inspection.

Warehouse inspection fees.

SEC. 3. Before any warehouseman's license, modification or extension thereof is granted, or an original examination or inspection, or reexamination or reinspection, applied for by a warehouseman, is made, pursuant to these regulations, the warehouseman shall deposit with the bureau the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the bureau, or post office or express money order, payable to the order of "Disbursing Clerk, Department of Agriculture".

Advance
deposit.

SEC. 4. The disbursing clerk of the United States Department of Agriculture shall hold in his custody each advance deposit made under this regulation until the fee, if any, is assessed and he is furnished by the bureau with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be returned to the party depositing the same.

Return of
excess deposit.

Regulation 7. Licensed Graders, Licensed Weighers and
Licensed Inspectors.

SECTION 1. Paragraph 1. Application for licenses to grade, to weigh or to inspect nuts under the act shall be made to the chief of the bureau on forms furnished for the purpose by him.

Licensed grad-
ers, licensed
weighers and li-
censed inspec-
tors; applica-
tion forms.

Paragraph 2. Each such application shall be in English, shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer and shall contain or be accompanied by (a) satisfactory evidence that he has passed his twenty-first birthday; (b) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the act in which nuts sought to be graded, weighed and inspected under such license are or may be stored; (c) a statement from the warehouseman conducting such warehouse showing whether or not the applicant is competent and is acceptable to such warehouseman for the purpose; (d) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient; (e) a statement by the applicant that he agrees to comply with and abide by the terms of the act and these regulations so far as the same may relate to him; and (f) such other information as the chief of the bureau may deem necessary, provided, that when an application for a license to grade nuts is filed by a person who does not intend to grade nuts for any particular licensed warehouseman but who does intend to grade nuts stored or to be stored in a licensed warehouse and to issue grade certificates therefor, as provided for by the act and these regulations, independent of the warehouse receipts issued to cover such nuts, it shall not be necessary to furnish such statement as is required by subdivision (c) of this paragraph.

Contents.

Paragraph 3. The applicant shall at any time furnish such additional information as the Secretary or the chief of the bureau shall find to be necessary to the consideration of his application by the Secretary.

Applicant must furnish additional information if required.

Paragraph 4. A single application may be made by any person for a license to grade, to weigh and to inspect upon complying with all the requirements of this section.

Combined grader's, weigher's and inspector's application.

SEC. 2. Each applicant for a license as a grader, a weigher or an inspector and each licensed grader, licensed weigher or licensed inspector shall, whenever requested by an authorized agent of the Department of Agriculture designated by the chief of the bureau for the purpose, submit to an examination or test to show his ability properly to perform the duties for which he is applying for license or for which he has been licensed.

Examination.

SEC. 3. Each grader shall keep his license conspicuously posted in the office where all or most of the grading is done, and each weigher or inspector shall keep his license conspicuously posted in the warehouse office or in such place as may be designated for the purpose by the chief of the bureau.

Posting of license.

SEC. 4. Each grader, each weigher and each inspector when requested, shall, without discrimination, as soon as practicable, and upon reasonable terms grade, weigh or inspect and certificate the grade, weight or condition for storage of nuts stored or to be stored in a licensed warehouse for which he holds a license, if such nuts be offered to him under such conditions as permit proper inspection and the determination of the grade, weight or condition thereof, as the case may be. Each such grader, weigher or inspector shall give preference to persons who request his services as such over persons who request his services in any other capacity. No. grade, weight or inspection certificate shall be issued under the act for nuts not stored or not to be stored in a licensed warehouse.

Duties of
grader,
weigher and
inspector.

SEC. 5. Each grade certificate issued under the act by a licensed grader shall be in a form approved for the purpose by the chief of the bureau and shall embody within its written or printed terms (a) the caption "United States Warehouse Act, Nut Grade Certificate;" (b) whether it is an original, a duplicate or other copy; (c) the name and location of the warehouse in which the nuts are or are to be stored; (d) the date of the certificate; (e) the location of the nuts at the time of grading; (f) the identification number or mark of each package of nuts, if in packages, given in accordance with regulation 5, section 11; (g) the grade or other class of each package or lot of nuts covered by the certificate, in accordance with regulation 8 as far as applicable, and the standard or description in accordance with which the grade is made; (h) the approximate amount of nuts covered by the certificate; (i) that the certificate is issued by a licensed grader under the United States warehouse act and regulations thereunder; and (j) the signature of the licensed grader. In addition, the grade certificate may include any other matter not inconsistent with the act or these regulations, provided the approval of the bureau is first secured.

Grade certificate.

SEC. 6. Each weight certificate issued under the act by a licensed weigher shall be in a form approved for the purpose by the chief of the bureau, and shall embody within its written or printed terms (a) the caption "United States Warehouse Act, Nut Weight Certificate"; (b) whether it is an original, a duplicate or other copy; (c) the name and location of the warehouse in which the nuts are or are to be stored; (d) the date of the certificate; (e) the location of the nuts at the time of weighing; (f) the identification number or mark of each package of nuts, if in packages, given in accordance with regulation 5, section 11; (g) the gross weight of the nuts; (h) that the certificate is issued by a licensed weigher, under the United States warehouse act and the regulations thereunder; and (i) the signature of such licensed weigher. In addition, the weight certificate may include any other matter not inconsistent with the act or these regulations, provided the approval of the bureau is first secured.

Weight certificate.

SEC. 7. Each inspection certificate issued under the act by a licensed inspector shall be in a form approved for the purpose by the chief of the bureau, and shall embody within its written or printed terms (a) the caption "United States Warehouse Act, Nut Inspection Certificate.", (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the warehouse in which the nuts are or are to be stored, (d) the date of the certificate, (e) the location of the nuts at the time of inspection, (f) the identification number or mark of each package of nuts, if in packages, given in accordance with regulation 5, section 11, (g) the condition of the nuts for storage at the time of inspection, (h) that the certificate is issued by a licensed inspector, under the United States warehouse act and regulations thereunder, (i) a blank space designated for the purpose in which may be stated any general remarks on the condition of the nuts, and (j) the signature of such licensed inspector. In addition, the inspection certificate may include any other matter not inconsistent with the act or these regulations, provided the approval of the bureau is first secured.

Inspection
certificate.

SEC. 8. The grade, weight and condition of any nuts, ascertained by a grader, a weigher and an inspector may be stated on a certificate meeting the combined requirements of sections 5, 6 and 7 of this regulation, if the form of such certificate shall have been approved for the purpose by the chief of the bureau.

Combined
grade, weight
and inspection
certificate.

SEC. 9. Each grader, each weigher and each inspector shall keep for a period of one year in a place accessible to persons financially interested a copy of each certificate issued by him under these regulations and shall file a copy of each such certificate with the warehouse in which the nuts covered by the certificate are stored.

Copies of certificates to be kept.

SEC. 10. Each grader, each weigher and each inspector shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records and accounts relating to the performance of his duties under the act and these regulations, and shall, with the consent of the warehouseman concerned, assist any such officer or agent in the inspection or examination of records mentioned in section 16 of regulation 5, as far as any such inspection or examination relates to the performance of the duties of such grader, weigher or inspector under the act and these regulations.

Licensees to permit and assist in examination.

SEC. 11. Each grader, each weigher and each inspector shall, from time to time, when requested by the chief of the bureau, make reports on forms furnished for the purpose by the bureau, bearing upon his activities as such grader, weigher or inspector.

Reports.

SEC. 12. Pending investigation the Secretary may, whenever he deems necessary, suspend the license of a grader, weigher or inspector temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by the grader, weigher or inspector, the Secretary may, without hearing, suspend or cancel the license issued to such grader, weigher or inspector. The Secretary may, after opportunity for hearing, when possible, has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a grader, weigher or inspector, when such grader, weigher or inspector has in any manner become incompetent or incapacitated to perform the duties of a licensed grader, weigher or inspector. As soon as it shall come to the attention of a licensed warehouseman that any of the conditions mentioned in this section exist, it shall be the duty of such warehouseman to notify in writing the chief of the bureau. Before the license of any grader, weigher or inspector is suspended or revoked pursuant to section 12 of the act, such grader, weigher or inspector shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4.

Suspension, revocation, or cancellation of grader's, weigher's and inspector's licenses.

SEC. 13. Paragraph 1. In case a license issued to a grader, weigher or inspector is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed grader, licensed weigher or licensed inspector to whom it was originally issued, and it shall be posted as prescribed in section 3 of this regulation, provided, that in the discretion of the chief of the bureau a new license may be issued without reference to such suspension.

Return of
suspended, re-
voked, or can-
celed grader's,
weigher's and
inspector's
licenses.

Paragraph 2. Any license issued under the act and these regulations to a grader, weigher or inspector shall automatically terminate as to any licensed warehouse whenever the license of such warehouse shall be revoked or canceled. Thereupon the license of such grader, weigher or inspector shall be returned to the Secretary. In case such license shall apply to other warehouses the Secretary shall issue to him a new license, omitting the names of the warehouses covering which licenses have been so revoked or canceled. Such new licenses shall be posted as prescribed in section 3 of this regulation.

License
terminates
with ware-
house li-
cense.

New li-
censes, when
issued.

SEC. 14. Upon satisfactory proof of the loss or destruction of a license issued to a licensed grader, licensed weigher or licensed inspector, a duplicate thereof may be issued under the same or a new number, in the discretion of the Secretary.

Lost or destroyed grader's, weigher's or inspector's licenses.

SEC. 15. No person shall in any way represent himself to be a grader, weigher or inspector, licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

Unlicensed graders, weighers and inspectors must not represent themselves as licensed.

Regulation 8. Nut Grading.

SECTION 1. Whenever the variety, grade or condition of nuts is required to be or is stated for the purpose of this act and these regulations, it shall be stated in accordance with this regulation.

Variety, grade and condition to be stated in accordance with regulations.

SEC. 2. Until such time as official peanut, walnut, filbert and/or pecan grades of the United States are in effect, the variety, grade and condition of nuts shall be stated as far as applicable (a) in accordance with the State standards, if any, established in the State in which the warehouse is located, (b) in the absence of any State standards, in accordance with the standards, if any, adopted by any peanut, walnut, filbert or pecan organization or by the peanut, walnut, filbert or pecan trade generally in the locality in which the warehouse is located, subject to the disapproval of the chief of the bureau, or (c) in the absence of the aforesaid standards in accordance with any standards approved by the chief of the bureau.

Standards to be used.

SEC. 3. Whenever the variety, grade or condition of the peanuts is stated for the purposes of this act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of the peanuts. In case of doubt as to the variety, grade or condition of a given lot of peanuts a determination shall be made of such facts by drawing at least six samples of five (5) pounds each, fairly representative of the contents of the car, or two samples of two (2) pounds each fairly representative of the contents of the wagon from the various parts of the carload or wagonload of peanuts offered for storage. These samples shall be thoroughly mixed and after being so mixed, from this mixture by quartering, not less than 100 grams shall be taken, which, after being hand shelled, (in the case of varieties used for shelling purposes exclusively) shall constitute the sample for the purpose of determining the grade.

Statement of
variety, grade
and condition
of peanuts

In the classification or grading of Virginia-type peanuts or peanuts which may be sold to the consuming trade in the shell, the same method of sampling shall be used, except that samples of one-half pound shall be taken from 10 per cent of the sacks of peanuts from various parts of the lot offered for storage, and this sample shall constitute the sample for the purpose of determining the grade without shelling.

SEC. 4. Whenever the kind, grade, or other class or condition of walnuts, filberts or pecans is stated for the purposes of this act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of the walnuts, filberts or pecans. In case of doubt as to the kind, grade or condition of a given lot of walnuts, filberts or pecans, a determination shall be made of such facts by drawing samples fairly representative of the contents of the lot of walnuts, filberts or pecans offered for storage, the method of drawing such samples and the adequacy of the samples to be determined by representatives of the Bureau.

Statement of
kind, grade,
and condition.

Regulation 9. Appeal of Grades

SECTION 1, Paragraph 1. If a question arises as to whether the kind, grade, or condition of nuts was correctly stated in a receipt or inspection certificate issued under the act or these regulations, the warehouseman concerned or any person financially interested in the nuts involved may, after reasonable notice to the other party, submit the question to the chief of the bureau, who may appoint a committee to make a determination. The decision of the committee shall be final, unless the chief shall direct a review of the question. Immediately upon making its decision, the committee shall issue a certificate embodying its findings to the appellants and to the licensee or licensees involved.

Method of
appeal in
case of dis-
pute.

Par. 2. If the decision of the committee be that the kind, grade, or condition was not correctly stated, the receipt or certificate involved shall be returned to and be canceled by the licensee who issued it, and the licensee shall issue in lieu thereof a new receipt or certificate embodying therein the statement of kind, grade, or condition in accordance with the findings of the committee.

When new receipt or certificate shall be issued.

Par. 3. All necessary and reasonable expenses of such determination shall be borne by the losing party, unless the chief of the bureau or his representative shall decide that the expense shall be prorated between the parties.

Charging appeal costs.

Regulation 10. Miscellaneous

SECTION 1. Every person applying for a license or
licensed under section 9 of the act shall, as such, be sub-
ject to all portions of these regulations except regula-
tion 2, section 3, so far as they may relate to warehouse-
men. If there is a law of any State providing for a system
of warehouses owned, operated, or leased by such State, a
person applying for a license under section 9 of the act,
to accept the custody of nuts and to store the same in any
of said warehouses, may, in lieu of a bond or bonds, comply-
ing with regulation 3, sections 1 and 2, file with the
Secretary a single bond meeting the requirements of the act
and these regulations, in such form and in such amount not
less than \$5,000, as he shall prescribe, to insure the per-
formance by such person with respect to the acceptance of
the custody of nuts and their storage in the warehouses in
such system for which licenses are or may be issued, of his
obligations arising during the periods of such licenses,
and in addition, if desired by the applicant, during the
periods of any modifications or extensions thereof. In fix-
ing the amount of such bond consideration shall be given,
among other appropriate factors, to the character of the
warehouses involved, their actual or contemplated capacity,
the bonding requirements of the State, and its liability
with respect to such warehouses. If the Secretary shall
find the existence of conditions warranting such action,
there shall be added to the amount of the bond so fixed a
further amount, fixed by him, to meet such conditions.

Regulation ap-
plicable to Stat
warehouses.

SEC. 2. Publications under the act and these regulations shall be made in service and regulatory announcements of the Bureau of Agricultural Economics, and such other media as the chief of that bureau may from time to time designate for the purposes.

Publications.

SEC. 3. Every person licensed under the act shall immediately furnish the chief of the bureau any information which comes to the knowledge of such persons tending to show that any provision of the act or these regulations has been violated.

Violations of act and the regulations to be reported.

SEC. 4. For the purpose of a hearing under the act and these regulations, except regulation 9, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an official of the Department of Agriculture designated by him for the purpose, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary or an official of the Department of Agriculture designated by him for the purpose. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned the deposition of any witness may be taken at a time and place and before a person designated for the purpose by the Secretary or an official of the Department of Agriculture authorized by the Secretary. Every written entry in the records of the Department of Agriculture made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department

Procedure in
hearings.

of Agriculture. The records and, when there has been an oral hearing other than by the Secretary, the recommendation of the official holding such oral hearing shall be transmitted to the Secretary for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

SEC. 5. Nothing in these regulations shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, or inspectors, nor shall these regulations be construed so as to limit the operation of any statute of the United States relating to warehouses, warehousemen, or inspectors now in force in the District of Columbia, or in any Territory or other place under the exclusive jurisdiction of the United States.

No conflict
with State or
Federal law.

SEC. 6. Any amendment to, or revision of, these regulations, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applies to persons thereafter licensed under the act.

Amendments.

#

REGULATIONS FOR WAREHOUSES STORING FARMERS STOCK PEANUTS
UNDER THE UNITED STATES WAREHOUSE ACT.

Definitions	Regulation 1. Definitions.
Words import singular or plural.	Section 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.
Terms defined.	Sec. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean --
The Act.	Paragraph 1. The Act.-- The United States warehouse Act, approved August 11, 1916 (39 U. S. Stat. at L., pp. 446, 486), as amended.
Person.	Paragraph 2. Person.-- An individual, corporation, partnership, or two or more persons having a joint or common interest.
Secretary.	Paragraph 3. Secretary.-- The secretary of Agriculture of the United States.
Chief of the Bureau.	Paragraph 4. Chief of the Bureau.-- The Chief of the Bureau of Agricultural Economics.
Regulations.	Paragraph 5. Regulations.-- Rules and regulations made under the Act by the Secretary.
Bureau.	Paragraph 6. Bureau.-- The Bureau of Agricultural Economics of the United States Department of Agriculture.
Warehouse.	Paragraph 7. Warehouse.-- Any building, structure, or other protected inclosure in which peanuts are or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which peanuts are or may be stored.
Warehouseman.	Paragraph 8. Warehouseman.-- Any person lawfully engaged in the business of storing peanuts.
License.	Paragraph 9. License.-- A license issued under the Act by the Secretary.
Licensed warehouseman.	Paragraph 10. Licensed warehouseman.-- A warehouseman licensed as such under the Act.

1917
Vol. 14, No. 1
January 1, 1917

Subscription price, \$5.00 per annum in advance.
Single copies, 15 cents.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Entered as second-class matter, June 26, 1911, under post office number 384, at Chicago, Ill., under special permission of the post office and inspection service at special rate of postage provided for in section 1103, Act of October 3, 1917, authorized on July 16, 1918.

Acceptance for mailing at special rate of postage provided for in section 1103, Act of October 3, 1917, authorized on July 16, 1918.

Postpaid by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Copyright, 1917, by American Medical Association

Printed at the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill.

- Licensed warehouse. Paragraph 11. Licensed warehouse.-- A warehouse for the conduct of which a license has been issued.
- Licensed warehouseman's bond. Paragraph 12. Licensed warehouseman's bond.-- A bond required to be given under the Act by a licensed warehouseman.
- Licensed grader. Paragraph 13. Licensed grader.-- A person licensed under the Act by the Secretary to grade and to certificate the grade or other class of peanuts stored or to be stored in a licensed warehouse.
- Licensed weigher. Paragraph 14. Licensed weigher.-- A person licensed under the Act by the Secretary to weigh and certificate the weight of peanuts stored or to be stored in a licensed warehouse.
- Licensed inspector. Paragraph 15. Licensed inspector.-- A person licensed under the Act by the Secretary to inspect, to sample, and to certificate the condition for storage of peanuts.
- Receipt. Paragraph 16. Receipt.-- A warehouse receipt.
- Bag. Paragraph 17. Bag.-- A sack or other package.
- State. Paragraph 18. State.-- A State, Territory, or District of the United States.
- Warehouse licenses. Regulation 2. Warehouse Licenses.
- Application form. Section 1. Applications for licenses under sections 4 and 9 of the Act and for modifications or extensions of licenses under section 5 of the Act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Bureau, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the Chief of the Bureau shall find to be necessary to the consideration of his application by the Secretary.
- Grounds for not issuing license. Sec. 2. A license for the conduct of a warehouse shall not be issued if it be found by the Secretary that the warehouse is not suitable for the proper storage of peanuts, that the warehouseman is incompetent to conduct such warehouse in accordance with the Act and these regulations, or that there is any other sufficient reason within the purposes of the Act for not issuing such license.

Net assets
required.

Sec. 3. The warehouseman conducting a warehouse licensed or for which application for license has been made under the Act, shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least \$5 per ton of the maximum number of tons that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Chief of the Bureau, except that the amount of such assets shall not be less than \$5,000, and need not be more than \$100,000. In case such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid in capital stock, as such, shall not be considered a liability. Any deficiency in the required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with paragraph 2 of section 2 of regulation 3.

Application
for modification
or extension.

Sec. 4. Each application for a modification or extension of a license under section 5 of the Act shall be made to the Secretary, upon a form prescribed for the purpose and furnished by the Chief of the Bureau, shall be in English, shall be signed by the applicant, and shall be filed with the Secretary not less than 30 days before the date of the termination of the license then in effect.

Time of fil-
ing.

License or
extension shall
be posted.

Sec. 5. Immediately upon receipt of his license or of any modification or extension thereof under the Act, the warehouseman shall post the same, and thereafter, except as otherwise provided in these regulations, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehouseman are delivered to depositors.

Suspension,
cancellation or
revocation of ware-
house licenses.

Sec. 6. Pending investigation, the Secretary, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary may, without hearing, suspend or cancel the license issued to such warehouseman. The Secretary may, after opportunity for hearing, when possible, has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a warehouseman when such warehouseman is (a) bankrupt or insolvent, (b) has parted, in whole or in part, with his control

1. The first part of the paper discusses the importance of the study and the objectives of the research. It also mentions the scope of the study and the limitations of the study.

2. The second part of the paper discusses the methodology used in the study. It includes a description of the sample, the data collection methods, and the data analysis methods. It also mentions the ethical considerations of the study.

3. The third part of the paper discusses the results of the study. It includes a description of the findings and a discussion of the implications of the findings. It also mentions the limitations of the study and the need for further research.

4. The fourth part of the paper discusses the conclusion of the study. It includes a summary of the findings and a statement of the overall conclusions. It also mentions the limitations of the study and the need for further research.

over the licensed warehouse, (c) is in process of dissolution or has been dissolved, (d) has ceased to conduct such licensed warehouse, or (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse. Whenever any of the conditions mentioned in subdivisions (a) to (e) of this section shall come into existence it shall be the duty of the warehouseman to notify immediately the Chief of the Bureau of the existing condition. Before a license is suspended, revoked, or canceled for any violation of, or failure to comply with, any provision of the Act or of these regulations or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4 .

Return of terminated, suspended, revoked, or canceled warehouse license.

Sec. 7. In case a license issued to a warehouseman terminates or is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary when requested. At the expiration of any period of suspension of such license, unless it be in the meantime revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as prescribed in section 5 of this regulation.

Lost or destroyed warehouse license

Sec. 8. Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same or a new number at the discretion of the Secretary.

Unlicensed warehousemen must not represent themselves as licensed.

Sec. 9. No warehouse or its warehouseman shall be designated as licensed under the Act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended, unrevoked, and uncanceled license for the conduct of such warehouse.

Warehouse bonds.

Regulation 3. Warehouse Bonds.

Time of filing.

Section 1. Unless the warehouseman has previously filed with the Secretary the necessary bond required by section 2 of this regulation, he shall file such bond within a time, if any

specified by the Secretary, said bond to cover all obligations arising thereunder during the period of the license.

Amount based
on storage
capacity.

Sec. 2. Paragraph 1. Exclusive of any amount which may be added in accordance with paragraphs 2 and 3 of this section, the amount of such bond shall be at the rate of \$5 per ton or fractional part thereof of the maximum number of tons that the warehouse will accommodate when stored in the manner customary to the warehouse for which such bond is required, as determined by the Chief of the Bureau, but not less than \$5,000 nor more than \$50,000. In case such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, and shall desire to give a single bond meeting the requirements of the Act and these regulations for said warehouses, such warehouses shall be deemed to be one warehouse for the purposes of the bond required under this regulation.

Additional
amount for
deficiency in
net assets.

Paragraph 2. In case of a deficiency in net assets under regulation 2, section 3, there shall be added to the amount of the bond, fixed in accordance with paragraph 1 of this section, an amount equal to such deficiency.

Additional
amount for
special condi-
tions.

Paragraph 3. In case the Secretary finds the existence of conditions warranting such action, there shall be added to the amount fixed in accordance with paragraphs 1 and 2 of this section a further amount, fixed by him, to meet such conditions.

Extension
bond.

Sec. 3. In case an application is made under regulation 2, section 1, for a modification or an extension of a license and no bond previously filed by the warehouseman under this regulation covers obligations arising during the period of such modification or extension, the warehouseman shall, when notice has been given by the Secretary that his application for such modification or extension will be granted upon compliance by such warehouseman with the Act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the Act. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the Act and these regulations, may be filed in lieu of a new bond.

New bond requir-
ed to continue
license beyond one
year.

Sec. 4. Whenever a license has been issued for a period longer than one year, such license shall not be effective beyond one year from its effective date unless the warehouseman shall have filed a new bond in the required amount with, and

such bond shall have been approved by, the Secretary prior to the date on which that license would have expired had it been issued for but one year, subject to the provisions of section 3 of this regulation.

Approval of
bond.

Sec. 5. No bond, amendment or continuation thereof shall be accepted for the purposes of the Act and these regulations until it has been approved by the Secretary.

Warehouse
receipts.

Regulation 4. Warehouse Receipts.

Contents of
negotiable and
non-negotiable
receipts.

Section 1. Paragraph 1. Every receipt, whether negotiable or nonnegotiable, issued for peanuts stored in a licensed warehouse shall, in addition to complying with the requirements of section 18 of the Act, embody within its written or printed terms the following: (a) the name of the licensed warehouseman and the designation, if any, of the warehouse, (b) the license number of the warehouse, (c) a statement whether the warehouseman is incorporated or unincorporated, and if incorporated, under what laws, (d) the tag number given to each bag or lot of peanuts in accordance with regulation 5, section 10, (e) a statement conspicuously placed, whether or not the peanuts are insured, and, if insured to what extent, by the warehouseman against loss by fire, lightning, tornado or flood, (f) a blank space designated for the purpose in which the condition of the peanuts shall be stated, (g) a blank space designated for the purpose in which the variety of the peanuts shall be stated, (h) the words "Not Negotiable," "Non-Negotiable," or "Negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon, and (i) a statement indicating the amount of shrinkage agreed upon between the depositor and the warehouseman.

Storage period
limited to July 1 of
each year.

Paragraph 2. Every receipt, whether negotiable or non-negotiable, issued for peanuts stored in a licensed warehouse shall specify a period, for which the peanuts are accepted for storage under the Act and these regulations not to extend beyond July 1 following the year in which harvested. Upon demand and the surrender of the old receipt by the lawful holder thereof on July 1, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of peanuts in the warehouse, (a) if he then continue to act as a licensed warehouseman, may either extend the old receipt by making an appropriate notation thereon or issue a new receipt for a further specified period not exceeding three months provided, it is actually determined that the quality or commercial value of the peanuts has not been impaired, or (b) if he then continue to act as a public warehouseman, but not as a licensed warehouseman, shall issue a new receipt.

Extension of
receipt beyond
July 1.

Additional
contents of
negotiable
receipts.

Paragraph 3. The grade stated in a receipt issued for peanuts, the identity of which is not to be preserved, stored in a licensed warehouse shall be stated in such receipt in accordance with regulation 8, as determined by the licensed grader who last graded the peanuts before the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (a) that the peanuts covered by the receipt were graded by a licensed grader, weighed by a licensed weigher and inspected by a licensed inspector, (b) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on, the peanuts covered by the receipt.

Grade or other
class of pea-
nuts.

Paragraph 4. Whenever the grade or other class of the peanuts is stated in a receipt issued for peanuts stored in a licensed warehouse, such grade or other class shall be stated in the receipt in accordance with regulation 8.

When grade
omitted receipt
must be so
marked.

Paragraph 5. If a warehouseman issue a receipt omitting the statement of grade on request of the depositor as permitted by section 18 of the Act, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "Not graded on request of depositor."

Blank spaces
in receipt to
be filled in.

Paragraph 6. If a warehouseman issues a receipt under the Act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

Copies of
receipts.

Sec. 2. If any copies of receipts are made, all such copies, except those issued in lieu of the original in case of lost or destroyed receipts, shall, if there be no statute of the United States or law of a State providing otherwise, have clearly and conspicuously printed or stamped thereon the words "Copy - Not Negotiable."

Lost or
destroyed
receipts.

Sec. 3. Paragraph 1. In the case of a lost or destroyed receipt, if there be no statute of the United States or law of a State applicable thereto, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph 2 of this section.

Affidavit of
loss or destruc-
tion of receipts.

Paragraph 2. Before issuing such duplicate receipt the licensed warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (a) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (b) a bond in an amount double the value, at the time the bond is given, of the peanuts represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and shall have as surety thereon (a) a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or (b) at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, to the extent of double the amount of the bond.

Bond.

Approval of
forms of
receipts.

Sec. 4. No receipt shall be issued under the Act until its form has been approved by the Chief of the Bureau. For this purpose the warehouseman shall submit two final proof copies of the proposed form printed on paper identical to that on which the final receipts will be printed.

Partial
delivery of
peanuts.

Sec. 5. If a warehouseman deliver a part only of a lot of peanuts for which he has issued a negotiable receipt under the Act, he shall take up and cancel such receipt and issue a new receipt in accordance with these regulations for the undelivered portion of the peanuts.

Return of
receipts before
delivery of
peanuts.

Sec. 6. Except as permitted by law or by these regulations, a warehouseman shall not deliver peanuts for which he has issued a negotiable receipt until the receipt has been returned to him and canceled, and shall not deliver peanuts for which he has issued a non-negotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written acknowledgment thereof.

Warehouseman
not to attempt to
compel grade to
be omitted.

Sec. 7. No licensed warehouseman shall, directly or indirectly by any means whatsoever, compel or attempt to compel the depositor of any peanuts stored in bags in his licensed warehouse to request the issuance of a receipt omitting the statement of grade.

Duties of licensed warehouseman.

Regulation 5. Duties of Licensed Warehouseman.

Insurance against fire, lightning, tornado or flood.

Section 1. Paragraph 1. Each licensed warehouseman, when so requested in writing as to any peanuts by the depositor thereof or lawful holder of the receipt covering such peanuts, shall, to the extent to which in the exercise of due diligence he is able to procure such insurance, keep such peanuts while in his custody as a licensed warehouseman insured in his own name or arrange for its insurance otherwise to the extent so requested, against loss or damage by fire, lightning, tornado or flood. When insurance is not carried in the warehouseman's name, the receipts shall show that the peanuts are not insured by the warehouseman. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought, in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telegraph or by telephone and at his own expense, immediately notify the person making the request of the fact. Nothing in this section shall be construed to prevent the warehouseman from adopting a rule that he will insure all peanuts stored in his warehouse.

Notice regarding insurance to be posted.

Paragraph 2. Each warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 5, and at such other place as the Chief of the Bureau or his representative may from time to time designate a notice stating briefly the conditions under which the peanuts will be insured against loss or damage by fire, lightning, tornado or flood.

Premiums, inspections, and reports.

Sec. 2. Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

Warehouseman to collect and pay over insurance.

Sec. 3. Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of these regulations, and shall, as soon as collected, promptly pay over to the persons concerned any portion of such moneys which they may be entitled to receive from him.

Agreement as to shrinkage.

Sec. 4. At the time peanuts are received for storage the warehouseman and the depositor shall agree upon an amount to be allowed for shrinkage while the products are in storage, such shrinkage to include loss caused by natural drying out of the peanuts and by rodents, but in no event shall the total amount of shrinkage exceed five per centum (5%) of the weight of the peanuts at the time they entered storage.

Care of peanuts
in licensed ware-
house.

Sec. 5. Each warehouseman shall at all times exercise such care in regard to peanuts in his custody as a reasonably careful owner would exercise under the same circumstances and conditions.

Care of non-
licensed peanuts
and other
commodities.

Sec. 6. If, at any time, a warehouseman shall handle or store peanuts otherwise than as a licensed warehouseman, or shall handle or store any other commodity, he shall so protect the same, and otherwise exercise such care with respect to it, as not to endanger the peanuts in his custody as a licensed warehouseman or impair his ability to meet his obligations and perform his duties under the Act and these regulations.

Records to be
kept in safe
place.

Sec. 7. Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the licensed warehouse, including his current receipt book, copies of receipts issued and canceled receipts, except that with the written consent of the Chief of the Bureau, or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety, approved by the Chief of the Bureau or his representative. All canceled receipts shall be arranged by the warehouseman in numerical order as soon as possible after their cancellation and shall be preserved in numerical order thereafter.

Warehouse
charges.

Sec. 8. A warehouseman shall not make any unreasonable or exorbitant charge for services rendered. Before a license to conduct a warehouse is granted under the Act the warehouseman shall file with the Chief of the Bureau a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges he shall file with the Chief of the Bureau a statement in writing showing the proposed change and the reasons therefor. Each licensed warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 5, and at such other place, accessible to the public, as the Chief of the Bureau or his representative may from time to time designate, a copy of his current rules and schedule of charges.

Business
hours.

Sec. 9. Paragraph 1. Each licensed warehouse shall be kept open for the purpose of receiving peanuts for storage and delivering peanuts out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph 2 of this section. The warehouseman shall keep conspicuously posted on the door

of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

Closing of
warehouse.

Paragraph 2. In case the warehouse is not to be kept open as required by paragraph 1 of this section, the notice posted as prescribed in that paragraph shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, who shall be authorized to deliver peanuts stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

Each sack to
be marked and
each lot to be
tagged.

Sec. 10. Each warehouseman shall, upon acceptance of any lot of sacked peanuts for storage, immediately stencil or mark an identification number or mark on each such sack in the lot and attach to such lot a tag of good quality which shall identify the lot. Such tag shall show the lot number, the identification mark on each bag, the number of the receipt issued to cover such peanuts, the number of sacks in the lot, the variety of the peanuts, the grade if determined, and the gross weight of the peanuts at the time they entered storage.

Arrangement
and tagging of
stored peanuts.

Sec. 11. Each warehouseman shall so store each lot of peanuts for which a receipt under the Act has been issued that the tag thereon, required by section 10 of this regulation, is visible and readily accessible, and shall arrange all bags in his licensed warehouse so as to permit an accurate count thereof.

Grades and
weights accord-
ing to which
bulk peanuts shall
be accepted and
delivered.

Sec. 12. Each licensed warehouseman shall accept all peanuts for storage and shall deliver out of storage all bulk peanuts, other than specially binned or sacked peanuts, in accordance with the grade of such peanuts as determined by a person duly licensed to grade such peanuts and to certificate the grade thereof, and in accordance with the weights of such peanuts as determined by a person duly licensed to weigh such peanuts and to certificate the weight thereof, under the Act and these regulations, and in accordance with the agreement regarding shrinkage as shown by the terms of the receipt.

Bulk storage
of identity pre-
served peanuts.

Sec. 13. Upon the acceptance by a licensed warehouseman, for storage in his licensed warehouse, of any lot of bulk peanuts the identity of which is to be preserved, he shall store, or cause to be stored, such peanuts in an individual bin or compartment designated by lot or cargo numbers, or by letters, numbers, or other clearly distinguishable words or

signs, permanently and securely affixed thereto, or shall so mark the container or containers of such peanuts or so place the peanuts in the warehouse that their identity will not be lost during the storage period.

Delivery of
bulk peanuts.

Sec. 14. Except as may be provided by law or these regulations, each licensed warehouseman, (a) upon proper presentation of a receipt for any bulk, other than specially binned peanuts, and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt peanuts of the grade and quantity specified in such receipt, after making due allowance for such shrinkage as the receipt stipulates and (b) upon proper presentation of a receipt for any peanuts, the identity of which was to have been preserved during the storage period, and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto, the identical peanuts stored in his licensed warehouse.

Delivery of
identity pre-
served peanuts.

System of
accounts.

Sec. 15. Each licensed warehouseman shall use for his licensed warehouse a system of accounts, approved for the purpose by the Chief of the Bureau, which shall show for each bag or lot of peanuts, the name of the depositor, the weight of the peanuts, the number of bags in each lot, the grade when grade is required to be, or is, ascertained, the location, the dates received for and delivered out of storage, and the receipts issued and canceled, a separate record for each depositor and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies. In the case of peanuts stored in bags, the tag number mentioned in section 10 of this regulation shall be shown.

Reports.

Sec. 16. Each licensed warehouseman shall, from time to time, when requested by the Chief of the Bureau, make such reports, on forms prescribed and furnished for the purpose by the Bureau, concerning the condition, contents, operation, and business of the warehouse as the Chief of the Bureau may require.

Canceled re-
ceipts to be
forwarded to
Bureau for
auditing.

Sec. 17. Each warehouseman, when requested by the Bureau, shall forward his canceled receipts for auditing to such field offices of the Bureau as may be designated from time to time. For the purpose of this section, only such portion as the Bureau may designate of each canceled receipt, numbered to correspond with the actual receipt number, need be submitted.

Copies of
reports to be
kept.

Sec. 18. Each warehouseman shall keep on file, as a part of the records of the warehouse, for such period as may be prescribed by the Chief of the Bureau for each kind of report, an exact copy of each such report submitted by such warehouseman under this regulation.

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations

which are satisfied by the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ in the domain D .

It is shown that the system of equations is solvable in the domain D if and only if the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ satisfy the conditions

which are satisfied by the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ in the domain D . It is shown that the system of equations is solvable in the domain D if and only if the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ satisfy the conditions

which are satisfied by the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ in the domain D . It is shown that the system of equations is solvable in the domain D if and only if the functions $u_i(x, y, z)$ and $v_i(x, y, z)$ satisfy the conditions

Inspections and
examinations of
warehouses.

Sec. 19. Each licensed warehouseman shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to enter and inspect or examine, on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and such warehouseman shall furnish such officer or agent the assistance necessary to enable him to make any inspection or examination under this section.

Inspection of
weighing
apparatus.

Sec. 20. The weighing apparatus used for ascertaining the weight stated in a receipt or certificate, issued for peanuts stored in a licensed warehouse, shall be subject to examination by the officer or agent of the Department of Agriculture designated by the Chief of Bureau for the purpose. If the Bureau shall disapprove such weighing apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight of any peanuts for the purposes of the Act and these regulations.

Warehouse to
be kept clean.

Sec. 21. Each licensed warehouseman shall keep his warehouse clean and free from trash, dust, rubbish, and scattered peanuts, and shall provide bins for the storage of peanuts in bulk. He shall also exercise every precaution to keep his warehouse free of rats or insects that might cause damage or injury to peanuts in storage.

Excess
storage.

Sec. 22. If at any time a warehouseman shall store peanuts in his licensed warehouse in excess of the capacity thereof determined in accordance with paragraph 1 of section 2 of regulation 3, such warehouseman shall so arrange the peanuts as not to obstruct free access thereto and the proper use of sprinkler or other fire protection equipment provided for such warehouse, and shall immediately notify the Chief of the Bureau of such excess storage and arrangement thereof.

Removal of
peanuts from
storage.

Sec. 23. Except as may be permitted by law or these regulations, a licensed warehouseman shall not remove any peanuts for storage from the licensed warehouse or the part thereof designated in the receipt for such peanuts, if by such removal the insurance thereon will be impaired, without first obtaining the consent in writing of the holder of the receipt, and indorsing on such receipt the fact of such removal. Under no circumstances, unless it becomes absolutely necessary to protect the interests of holders of receipts, shall peanuts be removed from the licensed warehouse, and immediately upon any such removal the warehouseman shall notify the Chief of the Bureau of such removal and the necessity therefor.

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY JAMES M. SMITH

NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO., 15 N. 2ND ST.
1854.

THE HISTORY OF THE UNITED STATES
OF AMERICA
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY JAMES M. SMITH
NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO., 15 N. 2ND ST.
1854.

THE HISTORY OF THE UNITED STATES
OF AMERICA
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY JAMES M. SMITH
NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO., 15 N. 2ND ST.
1854.

THE HISTORY OF THE UNITED STATES
OF AMERICA
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY JAMES M. SMITH
NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO., 15 N. 2ND ST.
1854.

THE HISTORY OF THE UNITED STATES
OF AMERICA
FROM THE FIRST SETTLEMENTS TO THE PRESENT TIME
BY JAMES M. SMITH
NEW YORK: PUBLISHED BY J. B. LIPPINCOTT & CO., 15 N. 2ND ST.
1854.

Storage of
wet peanuts
prohibited.

Sec. 24. A warehouseman shall not under any circumstances accept for storage any peanuts in his licensed warehouse that are wet or otherwise of a condition rendering them unsuitable for storage.

Peanuts to be
so stored as
not to damage.

Sec. 25. A warehouseman shall not handle or store peanuts in such manner as will injure or damage them or in any part of the warehouse in which they are likely to be injured or damaged by excessive moisture, or otherwise.

Warehouseman
shall give
notice of
peanuts out of
condition.

Sec. 26. Paragraph 1. If the licensed warehouseman with the approval of the licensed inspector, shall determine that any peanuts are deteriorating and that such deterioration can not be stopped, the licensed warehouseman shall give immediate notice of the fact, in accordance with paragraphs 2 and 3 of this section.

Contents of
notice.

Paragraph 2. Such notice shall state (a) the warehouse in which the peanuts are stored, (b) the quantity, kind, and grade of the peanuts at the time the notice is given, (c) the actual condition of the peanuts as nearly as can be ascertained, and the reason, if known, for such condition, (d) the oldest outstanding receipts covering the amount of peanuts out of condition, giving the number and date of each such receipt and the quantity, the kind, and grade of the peanuts as stated in each such receipt, and (e) that such peanuts will be delivered upon the return and cancellation of the receipts therefor.

Persons to
whom notice
shall be sent.

Paragraph 3. A copy of such notice shall be delivered in person or shall be sent by mail (a) to the persons holding the receipts if known to the licensed warehouseman, (b) to the person who originally deposited the peanuts, (c) to any other persons known by the licensed warehouseman to be interested in the peanuts, and (d) to the Chief of the Bureau. If the holders of the receipts and the owners of the peanuts are known to the licensed warehouseman and can not, in the regular course of the mails, be reached within 12 hours, the licensed warehouseman shall, whether or not requested so to do, also immediately notify such persons by telegraph or telephone at their expense.

Notice to
be posted.

Public notice shall also be given by posting a copy of such notice at the place where the warehouseman is required to post his license.

Record of
persons inter-
ested in receipt
of peanuts.

Paragraph 4. Any person, interested in any peanuts or the receipt covering such peanuts stored in a licensed warehouse, may, in writing, notify the licensed warehouseman, conducting such licensed warehouse, of the fact of his interest, and such licensed warehouseman shall keep a record of the fact.

1. The first part of the paper discusses the importance of the study and the objectives of the research.

2. The second part of the paper describes the methodology used in the study and the data collection process.

3. The third part of the paper presents the results of the study and discusses the findings in detail.

4. The fourth part of the paper discusses the implications of the study and the conclusions drawn from the research.

5. The fifth part of the paper discusses the limitations of the study and the areas for future research.

6. The sixth part of the paper discusses the significance of the study and the contribution it makes to the field.

7. The seventh part of the paper discusses the practical applications of the study and the recommendations for practice.

If such person request in writing that he be notified regarding the condition of any such peanuts and agree to pay the cost of any telegraph or telephone toll charge, such licensed warehouseman shall notify such person in accordance with such request.

Warehouseman not relieved from properly caring for peanuts at all times. Paragraph 5. Nothing contained in this section shall be construed as relieving the licensed warehouseman from properly caring for any peanuts after notification of their condition in accordance with this section.

Peanuts may be sold at public auction after notice. Sec. 27. If the peanuts, advertised in accordance with the requirements of section 26 of this regulation, have not been removed from storage by the owner thereof within 10 days from the date of notice of their being out of condition, the licensed warehouseman in whose licensed warehouse such peanuts are stored may sell the same at public auction at the expense and for the account of the owner after giving 10 days' notice in the manner specified in paragraph 3 of section 26 of this regulation.

Warehouseman must comply with State law and his contracts. Sec. 28. Each warehouseman shall faithfully perform his obligation as a warehouseman under the laws of the State in which he is conducting his licensed warehouse and such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of peanuts in such warehouse.

Fire loss to be reported by wire. Sec. 29. If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by wire to the Chief of the Bureau the occurrence of such fire and the extent of damage.

Grade or weight certificate to be filed. Sec. 30. When a grade or weight certificate has been issued by a licensed grader or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the peanuts covered by such certificate are stored, and such certificate shall become a part of the records of the licensed warehouseman.

1. The first part of the paper discusses the importance of maintaining accurate records of all transactions.

2. The second part of the paper discusses the importance of maintaining accurate records of all transactions.

3. The third part of the paper discusses the importance of maintaining accurate records of all transactions.

4. The fourth part of the paper discusses the importance of maintaining accurate records of all transactions.

5. The fifth part of the paper discusses the importance of maintaining accurate records of all transactions.

6. The sixth part of the paper discusses the importance of maintaining accurate records of all transactions.

Regulation 6. Fees.

- Warehouse
license fees. Section 1. There shall be charged, assessed, and collected
a fee of \$2 for each warehouseman's license.
- Warehouse
inspection fees. Sec. 2. There shall be charged, assessed, and collected for
each original examination or inspection of a warehouse under
the Act, when such examination or inspection is made upon
application of a warehouseman, a fee at the rate of \$1 for each
500 tons of the storage capacity, or fraction thereof, deter-
mined in accordance with paragraph 1 of section 2 of regulation
3, but in no case less than \$5 nor more than \$50, and, for
each reexamination or reinspection applied for by such warehou-
seman, a fee, based on the extent of the reexamination or rein-
spection, proportioned to, but not greater than, that prescribed
for the original examination or inspection.
- Advance
deposit. Sec. 3. Before any warehouseman's license, modification or
extension thereof is granted, or an original examination or
inspection, or reexamination or reinspection, applied for by a
warehouseman, is made, pursuant to these regulations, the ware-
houseman shall deposit with the Bureau the amount of the fee
prescribed therefor. Such deposit shall be made in the form of
a check, certified if required by the Bureau, or postoffice
or express money order, payable to the order of "Disbursing
Clerk, Department of Agriculture."
- Return of
excess deposit. Sec. 4. The Disbursing Clerk of the United States Department
of Agriculture shall hold in his custody each advance deposit
made under this regulation until the fee, if any, is assessed
and he is furnished by the Bureau with a statement showing the
amount thereof and against whom assessed. Any part of such
advance deposit which is not required for the payment of any
fee assessed shall be returned to the party depositing the
same.

Regulation 7. Licensed Graders, Licensed Weighers and Licensed
Inspectors.

- Licensed grad- Section 1. Paragraph 1. Application for licenses to grade,
ers, licensed weigh- to weigh, or to inspect peanuts under the Act shall be made to
ers and licensed the Chief of the Bureau on forms furnished for the purpose by
inspectors. Appli- him.
cation forms. Paragraph 2. Each such application shall be in English,
shall be signed by the applicant, shall be verified by him under
oath or affirmation administered by a duly authorized officer,

Contents.

and shall contain or be accompanied by (a) satisfactory evidence that he has passed his twenty-first birthday, (b) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act in which peanuts sought to be graded, weighed and inspected under such license are or may be stored, (c) a statement from the warehouseman conducting such warehouse showing whether or not the applicant is competent and is acceptable to such warehouseman for the purpose, (d) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient, (e) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and these regulations so far as the same may relate to him, and (f) such other information as the Chief of the Bureau may deem necessary, provided, that when an application for a license to grade peanuts is filed by a person who does not intend to grade peanuts for any particular licensed warehouseman but who does intend to grade peanuts stored or to be stored in a licensed warehouse and to issue grade certificates therefor, as provided for by the Act and these regulations, independent of the warehouse receipts issued to cover such peanuts, it shall not be necessary to furnish such statement as is required by subdivision (c) of this paragraph.

Applicant must furnish additional information if required.

Paragraph 3. The applicant shall at any time furnish such additional information as the Secretary or the Chief of the Bureau shall find to be necessary to the consideration of his application by the Secretary.

Combined grader's, weigher's and inspector's application.

Paragraph 4. A single application may be made by any person for a license to grade, to weigh and to inspect upon complying with all the requirements of this section.

Examination.

Sec. 2. Each applicant for a license as a grader, a weigher, or an inspector and each licensed grader, licensed weigher or licensed inspector shall, whenever requested by an authorized agent of the Department of Agriculture designated by the Chief of the Bureau for the purpose, submit to an examination or test to show his ability properly to perform the duties for which he is applying for license or for which he has been licensed.

Posting of license.

Sec. 3. Each licensed grader shall keep his license conspicuously posted in the office where all or most of the grading is done, and each licensed weigher or licensed inspector shall keep his license conspicuously posted in the warehouse office or in such place as may be designated for the purpose by the Chief of the Bureau.

Duties of
grader, weigher
and inspector.

Sec. 4. Each licensed grader, each licensed weigher, and each licensed inspector when requested, shall, without discrimination, as soon as practicable, and upon reasonable terms grade, weigh or inspect and certificate the grade, weight or condition for storage of peanuts stored or to be stored in a licensed warehouse for which he holds a license, if such peanuts be offered to him under such conditions as permit proper inspection and the determination of the grade, weight or condition thereof, as the case may be. Each such grader, weigher, or inspector shall give preference to persons who request his services as such over persons who request his services in any other capacity. No grade, weight or inspection certificate shall be issued under the Act for peanuts not stored or not to be stored in a licensed warehouse.

Grade
certificate.

Sec. 5. Each grade certificate issued under the Act by a licensed grader shall be in a form approved for the purpose by the Chief of the Bureau and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Grade Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of grading, (f) the identification number or mark of each bag of peanuts, if in bags, given in accordance with regulation 5, section 10, (g) the grade or other class of each bag or lot of peanuts covered by the certificate, in accordance with regulation 8 as far as applicable, and the standard or description in accordance with which the grade is made, (h) the approximate amount of peanuts covered by the certificate, (i) that the certificate is issued by a licensed grader under the United States warehouse Act and regulations thereunder, and (j) the signature of the licensed grader. In addition, the grade certificate may include any other matter not inconsistent with the Act or these regulations, provided the approval of the Bureau is first secured.

Weight
certificate.

Sec. 6. Each weight certificate issued under the Act by a licensed weigher shall be in a form approved for the purpose by the Chief of the Bureau, and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Weight Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of weighing, (f) the identification number or mark of each bag of peanuts, if in bags, given in accordance with regulation 5, section 10, (g) the gross weight of the peanuts, (h) that the certificate is issued by a licensed weigher, under the United States warehouse Act and the regulations thereunder, and (i) the signature of such licensed weigher. In addition, the weight certificate may include any other matter not inconsistent with the Act or these regulations, provided the approval of the Bureau is first secured.

Inspection
certificate.

Sec. 7. Each inspection certificate issued under the Act by a licensed inspector shall be in a form approved for the purpose by the Chief of the Bureau, and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Inspection Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of inspection, (f) the identification number or mark of each bag of peanuts, if in bags, given in accordance with regulation 5, section 10, (g) the condition of the peanuts for storage at the time of inspection, (h) that the certificate is issued by a licensed inspector, under the United States warehouse Act and regulations thereunder, (i) a blank space designated for the purpose in which may be stated any general remarks on the condition of the peanuts, (j) the signature of such licensed inspector. In addition, the inspection certificate may include any other matter not inconsistent with the Act or these regulations, provided the approval of the Bureau is first secured.

Combined grade,
weight and
inspection cer-
tificate.

Sec. 8. The grade, weight and condition of any peanuts, ascertained by a licensed grader, a licensed weigher and a licensed inspector may be stated on a certificate meeting the combined requirements of sections 5, 6 and 7 of this regulation, if the form of such certificate shall have been approved for the purpose by the Chief of the Bureau.

Copies of
certificates to
be kept.

Sec. 9. Each licensed grader, each licensed weigher and each licensed inspector shall keep for a period of one year in a place accessible to persons financially interested a copy of each certificate issued by him under these regulations and shall file a copy of each such certificate with the warehouse in which the peanuts covered by the certificate are stored.

Licensees to
permit and
assist in ex-
amination.

Sec. 10. Each licensed grader, each licensed weigher and each licensed inspector shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the Act and these regulations, and shall, with the consent of the licensed warehouseman concerned, assist any such officer or agent in the inspection or examination of records mentioned in section 15 of regulation 5, as far as any such inspection or examination relates to the performance of the duties of such licensed grader, licensed weigher or licensed inspector under the Act and these regulations.

Reports.

Sec. 11. Each licensed grader, each licensed weigher and each licensed inspector shall, from time to time, when requested by the Chief of the Bureau, make reports on forms furnished for the purpose by the Bureau, bearing upon his activities as such licensed grader, licensed weigher or licensed inspector.

Suspensions,
revocations, or
cancellation of
grader's, weigh-
er's and in-
spector's licenses.

Sec. 12. Pending investigation the Secretary may, whenever he deems necessary, suspend the license of a licensed grader, licensed weigher or licensed inspector temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by the licensed grader, licensed weigher or licensed inspector, the Secretary may, without hearing, suspend or cancel the license issued to such licensed grader, licensed weigher or licensed inspector. The Secretary may, after opportunity for hearing, when possible, has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a licensed grader, licensed weigher or licensed inspector, when such licensed grader, licensed weigher or licensed inspector, (a) has ceased to perform services as such grader, weigher or inspector, or (b) has in any other manner become incompetent or incapacitated to perform the duties of such licensed grader, licensed weigher or licensed inspector. As soon as it shall come to the attention of a licensed warehouseman that either of the conditions mentioned under (a) and (b) exist, it shall be the duty of such warehouseman to notify in writing the Chief of the Bureau. Before the license of any licensed grader, licensed weigher or licensed inspector is suspended or revoked pursuant to section 12 of the Act, such licensed grader, licensed weigher or licensed inspector shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4.

Return of sus-
pended, revoked, or
canceled grader's
weigher's and
inspector's
licenses.

Sec. 13. Paragraph 1. In case a license issued to a licensed grader, licensed weigher or licensed inspector is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed grader, licensed weigher or licensed inspector to whom it was originally issued, and it shall be posted as prescribed in section 3 of this regulation.

License terminates with warehouse license.

New licenses, when issued.

Lost or destroyed grader's, weigher's or inspector's licenses.

Unlicensed graders, weighers and inspectors must not represent themselves as licensed.

Variety, grade and condition to be stated in accordance with regulations.

Standards to be used.

Statement of variety, grade and condition.

Paragraph 2. Any license issued under the Act and these regulations to a grader, weigher or inspector shall automatically terminate as to any licensed warehouse whenever the license of such warehouse shall be revoked or canceled. Thereupon the license of such grader, weigher, or inspector shall be returned to the Secretary. In case such license shall apply to other warehouses the Secretary shall issue to him a new license, omitting the names of the warehouses covering which licenses have been so revoked or canceled. Such new licenses shall be posted as prescribed in section 3 of this regulation.

Sec. 14. Upon satisfactory proof of the loss or destruction of a license issued to a licensed grader, licensed weigher or licensed inspector, a duplicate thereof may be issued under the same or a new number, in the discretion of the Secretary.

Sec. 15. No person shall in any way represent himself to be a grader, weigher or inspector, licensed under the Act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the Act.

Regulation 8. Peanut Grading.

Section 1. Whenever the variety, grade, or condition of peanuts is required to be or is stated for the purposes of this Act and these regulations, it shall be stated in accordance with this regulation.

Sec. 2. Until such time as official peanut grades of the United States are in effect, the variety, grade, and condition of peanuts shall be stated as far as applicable (a) in accordance with the State standards, if any, established in the State in which the warehouse is located, (b) in the absence of any State standards, in accordance with the standards, if any, adopted by any peanut organization or by the peanut trade generally in the locality in which the warehouse is located, subject to the disapproval of the Chief of the Bureau, or (c) in the absence of the aforesaid standards in accordance with any standards approved by the Chief of the Bureau.

Sec. 3. Whenever the variety, grade or condition of the peanuts is stated for the purposes of this act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of

the peanuts. In case of doubt as to the variety, grade or condition of a given lot of peanuts a determination shall be made of such facts by drawing at least six samples of five (5) pounds each, fairly representative of the contents of the car, or two samples of two (2) pounds each fairly representative of the contents of the wagon from the various parts of the car-load or wagonload of peanuts offered for storage. These samples shall be thoroughly mixed and after being so mixed, from this mixture by quartering, not less than 100 grams shall be taken, which, after being hand shelled, (in the case of varieties used for shelling purposes exclusively) shall constitute the sample for the purpose of determining the grade.

In the classification or grading of Virginia type peanuts or peanuts which may be sold to the consuming trade in the shell, the same method of sampling shall be used, except that samples of one-half pound shall be taken from 10 per cent of the sacks of peanuts from various parts of the lot offered for storage, and this sample shall constitute the sample for the purpose of determining the grade without shelling.

Regulation 9. Arbitrations.

Peanut
arbitration.

Section 1. Paragraph 1. In case a question arises as to whether the variety, grade, condition, or weight of the peanuts was correctly stated in a receipt, inspection certificate, grade certificate, or weight certificate issued under the Act and these regulations, or as to whether an official sample was properly drawn by a licensed inspector in accordance with these regulations, the licensed warehouseman concerned or any person financially interested in the peanuts involved may, after reasonable notice to the other interested party, submit the question to an arbitration committee for determination in accordance with this section.

Arbitration
committee.

Paragraph 2. Such arbitration committee shall be composed of three or more disinterested persons who are competent to pass upon the questions involved. If there be a local trade organization such as a Board of Trade, Chamber of Commerce, Exchange, or Inspection Department which provides such a committee under a rule or practice acceptable to the Chief of the Bureau for the purpose, such committee may determine the question. In the absence of such a committee, or if for any good reason not inconsistent with the Act and these regulations such committee is not acceptable to either of the parties interested, the complainant and the other party shall each name a member and the two members so named shall select a third member, who shall constitute the arbitration committee. Each member of any such committee shall at all times be subject,

for good cause, to the disapproval of the Chief of the Bureau, and in case any member is so disapproved he shall not thereafter act on an arbitration committee which is considering any questions relating to the same lot of peanuts unless such disapproval be withdrawn.

Arbitration
committee
proceedings

Paragraph 3. It shall be the duty of such parties to acquaint the arbitration committee with the exact nature of the question to be determined and all the necessary facts and to permit the committee to examine the receipt, certificate, sample, or peanuts involved or any papers or records needed for the determination of the question. The committee shall make a written finding setting forth the question involved, the necessary facts, and its determination. Such findings or a true copy thereof, shall be filed as a part of the records of the licensed warehouseman involved. It may dismiss the matter without determination upon the request of the complainant, or for non-compliance by the complainant with the law or these regulations, or because it is without sufficient evidence to determine the question, in which case the decision shall be deemed to be against the complainant. Except as otherwise provided by law, its decision shall be final for the purposes of the Act and these regulations, unless the Chief of the Bureau shall direct a review of the question. Any necessary and reasonable expense of such arbitration shall be borne by the losing party, unless the committee shall decide that such expense shall be prorated between the parties.

New receipts
or certificates
to be issued, or
new samples drawn.

Paragraph 4. If the decision of the arbitration committee be that the variety, grade, condition, or weight was not correctly stated, the receipt or certificate involved shall be returned to and canceled by the licensee who issued it and he shall substitute therefor one conforming to the decision of the committee. If the decision of the committee be that a sample was not properly drawn in accordance with these regulations, it shall cease to be an official sample for the purposes of these regulations, and the licensed inspector, at the request of any of the parties to the arbitration, shall draw and substitute a new sample, complying with these regulations with respect to such sample.

Regulation 10. Miscellaneous.

Regulations
applicable to
State warehouses.

Section 1. Every person applying for a license, or licensed, under section 9 of the Act, shall, as such, be subject to all portions of these regulations, except regulation 2, section 3, so far as they may relate to warehousemen. In case there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a

license under section 9 of the Act, to accept the custody of peanuts and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with regulation 3, sections 1 and 2, file with the Secretary a single bond meeting the requirements of the Act and these regulations, in such form, and in such amount not less than \$5,000 as he shall prescribe, to insure the performance by such person, with respect to the acceptance of the custody of peanuts and their storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of such licenses, and in addition, if desired by the applicant, during the periods of any modifications or extensions thereof. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed, a further amount, fixed by him, to meet such conditions.

Publications.

Sec. 2. Publications under the Act and these regulations shall be made in service and regulatory announcements of the Bureau of Agricultural Economics, and such other media as the Chief of that Bureau may from time to time designate for the purpose.

Violations of Act and regulations to be reported.

Sec. 3. Every person licensed under the Act shall immediately furnish the Chief of the Bureau any information which comes to the knowledge of such person tending to show that any provision of the Act or these regulations has been violated.

Procedure in hearings.

Sec. 4. For the purpose of a hearing under the Act and these regulations, except regulation 9, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an official of the Department of Agriculture designated by him for the purpose, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary or an official of the Department of Agriculture designated by him for the purpose. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for

the purpose by the Secretary or an official of the Department of Agriculture authorized by the Secretary. Every written entry in the records of the Department of Agriculture made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department of Agriculture. The records and, when there has been an oral hearing other than by the Secretary, the recommendation of the official holding such oral hearing shall be transmitted to the Secretary for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

No conflict
with State or
Federal laws.

Sec. 5. Nothing in these regulations shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, inspectors, graders, or weighers, nor shall these regulations be construed so as to limit the operation of any statute of the United States relating to warehouses, warehousemen, inspectors, graders, or weighers now in force in the District of Columbia, or in any Territory or other place under the exclusive jurisdiction of the United States.

Amendments.

Sec. 6. Any amendment to, or revision of, these regulations, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applied to persons thereafter licensed under the Act.

TENTATIVE
REGULATIONS FOR PEANUT WAREHOUSES UNDER THE UNITED
STATES WAREHOUSE ACT.

Definitions.	Regulation 1. Definitions.
Words import singular or plural.	Section 1. Words used in these regulations in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.
Terms defined.	Sec. 2. For the purpose of these regulations, unless the context otherwise require, the following terms shall be construed, respectively, to mean --
The Act.	Paragraph 1. The Act.-- The United States warehouse Act. approved August 11, 1916 (39 U. S. Stat. at L., pp.446,486), as amended.
Person.	Paragraph 2. Person.-- An individual, corporation, partnership, or two or more persons having a joint or common interest.
Secretary.	Paragraph 3. Secretary.-- The secretary of Agriculture of the United States.
Chief of the Bureau.	Paragraph 4. Chief of the Bureau.-- The Chief of the Bureau of Agricultural Economics.
Regulations.	Paragraph 5. Regulations.-- Rules and regulations made under the Act by the Secretary.
Bureau.	Paragraph 6. Bureau.-- The Bureau of Agricultural Economics of the United States Department of Agriculture.
Warehouse.	Paragraph 7. Warehouse.-- Any building, structure, or other protected inclosure in which peanuts are or may be stored for interstate or foreign commerce, or, if located within any place under the exclusive jurisdiction of the United States, in which peanuts are or may be stored.
Warehouseman.	Paragraph 8. Warehouseman.-- Any person lawfully engaged in the business of storing peanuts.
License.	Paragraph 9. License.-- A license issued under the Act by the Secretary.
Licensed warehouseman.	Paragraph 10. Licensed warehouseman.-- A warehouseman licensed as such under the Act.

- Licensed warehouse. Paragraph 11. Licensed warehouse.-- A warehouse for the conduct of which a license has been issued.
- Licensed warehouseman's bond. Paragraph 12. Licensed warehouseman's bond.-- A bond required to be given under the Act by a licensed warehouseman.
- Licensed grader. Paragraph 13. Licensed grader.-- A person licensed under the Act by the Secretary to grade and to certificate the grade or other class of peanuts stored or to be stored in a licensed warehouse.
- Licensed weigher. Paragraph 14. Licensed weigher.-- A person licensed under the Act by the Secretary to weigh and certificate the weight of peanuts stored or to be stored in a licensed warehouse.
- Licensed inspector. Paragraph 15. Licensed inspector.-- A person licensed under the Act by the Secretary to inspect, to sample, and to certificate the condition for storage of peanuts.
- Receipt. Paragraph 16. Receipt.-- A warehouse receipt.
- Bag. Paragraph 17. Bag.-- A sack or other package.
- State. Paragraph 18. State.-- A State, Territory, or District of the United. States.
- Warehouse licenses. Regulation 2. Warehouse Licenses.
- Application form. Section 1. Applications for licenses under sections 4 and 9 of the Act and for modifications or extensions of licenses under section 5 of the Act shall be made to the Secretary upon forms prescribed for the purpose and furnished by the Bureau, shall be in English, shall truly state the information therein contained, and shall be signed by the applicant. The applicant shall at any time furnish such additional information as the Secretary or the Chief of the Bureau shall find to be necessary to the consideration of his application by the Secretary.
- Grounds for not issuing license. Sec. 2. A license for the conduct of a warehouse shall not be issued if it be found by the Secretary that the warehouse is not suitable for the proper storage of peanuts, that the warehouseman is incompetent to conduct such warehouse in accordance with the Act and these regulations, or that there is any other sufficient reason within the purposes of the Act for not issuing such license.

Net assets
required.

Sec. 3. The warehouseman conducting a warehouse licensed or for which application for license has been made under the Act, shall have and maintain above all exemptions and liabilities net assets liable for the payment of any indebtedness arising from the conduct of the warehouse, to the extent of at least \$5 per ton of the maximum number of tons that the warehouse will accommodate when stored in the manner customary to the warehouse as determined by the Chief of the Bureau, except that the amount of such assets shall not be less than \$5,000, and need not be more than \$100,000. In case such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, such warehouses shall be deemed to be one warehouse for the purposes of the assets required under this section. For the purposes of this section only, paid in capital stock, as such, shall not be considered a liability. Any deficiency in the required net assets may be supplied by an increase in the amount of the warehouseman's bond in accordance with paragraph 2 of section 2 of regulation 3.

Application
for modification
or extension.

Sec. 4. Each application for a modification or extension of a license under section 5 of the Act shall be made to the Secretary, upon a form prescribed for the purpose and furnished by the Chief of the Bureau, shall be in English, shall be signed by the applicant, and shall be filed with the Secretary not less than 30 days before the date of the termination of the license then in effect.

Time of fil-
ing.

License or
extension shall
be posted.

Sec. 5. Immediately upon receipt of his license or of any modification or extension thereof under the Act, the warehouseman shall post the same, and thereafter, except as otherwise provided in these regulations, keep it posted until suspended or terminated, in a conspicuous place in the principal office where receipts issued by such warehouseman are delivered to depositors.

Suspension,
cancellation or
revocation of ware-
house licenses.

Sec. 6. Pending investigation, the Secretary, whenever he deems necessary, may suspend a warehouseman's license temporarily without hearing. Upon written request and a satisfactory statement of reasons therefor, submitted by a warehouseman, the Secretary may, without hearing, suspend or cancel the license issued to such warehouseman. The Secretary may, after opportunity for hearing when possible has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a warehouseman when such warehouseman is (a) bankrupt or insolvent, (b) has parted, in whole or in part, with his control

over the licensed warehouse, (c) is in process of dissolution or has been dissolved, (d) has ceased to conduct such licensed warehouse, or (e) has in any other manner become nonexistent or incompetent or incapacitated to conduct the business of the warehouse. Whenever any of the conditions mentioned in subdivisions (a) to (e) of this section shall come into existence, it shall be the duty of the warehouseman to notify immediately the Chief of the Bureau of the existing condition. Before a license is suspended, revoked, or canceled for any violation of, or failure to comply with, any provision of the Act or of these regulations or upon the ground that unreasonable or exorbitant charges have been made for services rendered, the warehouseman involved shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4.

Return of terminated suspended, revoked, or canceled warehouse license.

Sec. 7. In case a license issued to a warehouseman terminates or is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary when requested. At the expiration of any period of suspension of such license, unless it be in the meantime revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, it shall be returned to the licensed warehouseman to whom it was originally issued, and it shall be posted as prescribed in section 5 of this regulation.

Lost or destroyed warehouse license

Sec. 8. Upon satisfactory proof of the loss or destruction of a license issued to a warehouseman, a duplicate thereof may be issued under the same or a new number at the discretion of the Secretary.

Unlicensed warehousemen must not represent themselves as licensed.

Sec. 9. No warehouse or its warehouseman shall be designated as licensed under the Act and no name or description conveying the impression that it or he is so licensed shall be used, either in a receipt or otherwise, unless such warehouseman holds an unsuspended, unrevoked, and uncanceled license for the conduct of such warehouse.

Warehouse bonds.

Regulation 3. Warehouse Bonds.

Time of filing.

Section 1. Unless the warehouseman has previously filed with the Secretary the necessary bond required by section 2 of this regulation, he shall file such bond within a time, if any

specified by the Secretary, said bond to cover all obligations arising thereunder during the period of the license.

Amount based
on storage
capacity.

Sec. 2. Paragraph 1. Exclusive of any amount which may be added in accordance with paragraphs 2 and 3 of this section, the amount of such bond shall be at the rate of \$5 per ton or fractional part thereof of the maximum number of tons that the warehouse will accommodate when stored in the manner customary to the warehouse for which such bond is required, as determined by the Chief of the Bureau, but not less than \$5,000 nor more than \$50,000. In case such warehouseman has applied for licenses to conduct two or more warehouses in the same State, the assets applicable to all of which shall be subject to the liabilities of each, and shall desire to give a single bond meeting the requirements of the Act and these regulations for said warehouses, such warehouses shall be deemed to be one warehouse for the purposes of the bond required under this regulation.

Additional
amount for
deficiency in
net assets.

Paragraph 2. In case of a deficiency in net assets under regulation 2, section 3, there shall be added to the amount of the bond, fixed in accordance with paragraph 1 of this section, an amount equal to such deficiency.

Additional
amount for
special condi-
tions.

Paragraph 3. In case the Secretary finds the existence of conditions warranting such action, there shall be added to the amount fixed in accordance with paragraphs 1 and 2 of this section a further amount, fixed by him, to meet such conditions.

Extension
bond.

Sec. 3. In case an application is made under regulation 2, section 1, for a modification or an extension of a license and no bond previously filed by the warehouseman under this regulation covers obligations arising during the period of such modification or extension, the warehouseman shall, when notice has been given by the Secretary that his application for such modification or extension will be granted upon compliance by such warehouseman with the Act, file with the Secretary, within a time, if any, fixed in such notice, a bond complying with the Act. In the discretion of the Secretary, a properly executed instrument in form approved by him, amending, extending or continuing in force and effect the obligations of a valid bond previously filed by the warehouseman and otherwise complying with the Act and these regulations, may be filed in lieu of a new bond.

New bond required to continue license beyond one year.

Sec. 4. Whenever a license has been issued for a period longer than one year, such license shall not be effective beyond one year from its effective date unless the warehouseman

such bond shall have been approved by, the Secretary prior to the date on which that license would have expired had it been issued for but one year, subject to the provisions of section 3 of this regulation.

Approval of
bond.

Sec. 5. No bond, amendment or continuation thereof shall be accepted for the purposes of the Act and these regulations until it has been approved by the Secretary.

Warehouse
receipts.

Regulation 4. Warehouse Receipts.

Contents of
negotiable and
non-negotiable
receipts.

Section 1. Paragraph 1. Every receipt, whether negotiable or nonnegotiable, issued for peanuts stored in a licensed warehouse shall, in addition to complying to the requirements of section 18 of the Act, embody within its written or printed terms the following: (a) the name of the licensed warehouseman and the designation, if any, of the warehouse, (b) the license number of the warehouse, (c) a statement whether the warehouseman is incorporated or unincorporated, and if incorporated, under what laws, (d) the tag number given to each bag or lot of peanuts in accordance with regulation 5, section 9, (e) a statement conspicuously placed, whether or not the peanuts are insured, and, if insured to what extent, by the warehouseman against loss by fire, lightning, tornado or flood, (f) a blank space designated for the purpose in which the condition of the peanuts shall be stated, (g) a blank space designated for the purpose in which the variety of the peanuts shall be stated, and, (h) the words "Not Negotiable," "Non-Negotiable," or "Negotiable," according to the nature of the receipt, clearly and conspicuously printed or stamped thereon.

Storage
period.

Paragraph 2. Every receipt, whether negotiable or non-negotiable, issued for peanuts stored in a licensed warehouse shall specify a period, for which the peanuts are accepted for storage under the Act and these regulations not to extend beyond July 1 following the year in which harvested. Upon demand and the surrender of the old receipt by the lawful holder thereof on July 1, the warehouseman, upon such lawful terms and conditions as may be granted by him at such time to other depositors of peanuts in the warehouse, (a) if he then continue to act as a licensed warehouseman, may either extend the old receipt by making an appropriate notation thereon or issue a new receipt for a further specified period not exceeding three months provided, it is actually determined that the quality or commercial value of the peanuts has not been impaired, or (b) if he then continue to act as a public warehouseman, but not as a licensed warehouseman, shall issue a new receipt.

Additional
contents of
negotiable
receipts.

Paragraph 3. The grade stated in a receipt issued for peanuts, the identity of which is not preserved, stored in a licensed warehouse shall be stated in such receipt in accordance with regulation 8, as determined by the licensed grader who last graded the peanuts before the issuance of such receipt, and such receipt shall embody within its written or printed terms the following: (a) that the peanuts covered by the receipt were graded by a licensed grader, weighed by a licensed weigher and inspected by a licensed inspector, (b) a form of indorsement which may be used by the depositor, or his authorized agent, for showing the ownership of, and liens, mortgages, or other encumbrances on, the peanuts covered by the receipt.

Grade or other
class of peanuts.

Paragraph 4. Whenever the grade or other class of the peanuts is stated in a receipt issued for peanuts stored in a licensed warehouse, such grade or other class shall be stated in the receipt in accordance with regulation 8.

When grade
omitted receipt
must be so marked.

Paragraph 5. If a warehouseman issued a receipt omitting the statement of grade on request of the depositor as permitted by section 18 of the Act, such receipt shall have clearly and conspicuously stamped or written on the face thereof the words "Not graded on request of depositor."

Blank spaces in
receipt to be
filled in.

Paragraph 6. If a warehouseman issues a receipt under the Act omitting any information not required to be stated, for which a blank space is provided in the form of the receipt, a line shall be drawn through such space to show that such omission has been made by the warehouseman.

Copies of
receipts

Sec. 2. If any copies of receipts are made, all such copies, except those issued in lieu of the original in case of lost or destroyed receipts, shall, if there be no statute of the United States or law of a State providing otherwise, have clearly and conspicuously printed or stamped thereon the words "Copy - Not Negotiable."

Lost or
destroyed
receipts.

Sec. 3. Paragraph 1. In the case of a lost or destroyed receipt, if there be no statute of the United States or law of a State applicable thereto, a new receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the receipt in lieu of which it is issued and a plain and conspicuous statement that it is a duplicate issued in lieu of a lost or destroyed receipt, may be issued upon compliance with the conditions set out in paragraph 2 of this section.

Affidavit of
loss or destruc-
tion of receipts.

Paragraph 2. Before issuing such duplicate receipt the licensed warehouseman shall require the depositor or other person applying therefor to make and file with the warehouseman (a) an affidavit showing that he is lawfully entitled to the possession of the original receipt, that he has not negotiated or assigned it, how the original receipt was lost or destroyed, and if lost, that diligent effort has been made to find the receipt without success, and (b) a bond in an amount double the value, at the time the bond is given, of the peanuts represented by the lost or destroyed receipt. Such bond shall be in a form approved for the purpose by the Secretary, shall be conditioned to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and shall have as surety thereon (a) a surety company which is authorized to do business, and is subject to service of process in a suit on the bond, in the State in which the warehouse is located, or (b) at least two individuals who are residents of such State and each of whom owns real property therein having a value, in excess of all exemptions and encumbrances, to the extent of double the amount of the bond.

Bond.

Approval of
forms of
receipts.

Sec. 4. No receipt shall be issued under the Act until its form has been approved by the Chief of the Bureau. For this purpose the warehouseman shall submit two final proof copies of the proposed form printed on paper identical to that on which the final receipts will be printed.

Partial
delivery of
peanuts.

Sec. 5. If a warehouseman deliver a part only of a lot of peanuts for which he has issued a negotiable receipt under the Act, he shall take up and cancel such receipt and issue a new receipt in accordance with these regulations for the undelivered portion of the peanuts.

Return of
receipts before
delivery of
peanuts.

Sec. 6. Except as permitted by law or by these regulations, a warehouseman shall not deliver peanuts for which he has issued a negotiable receipt until the receipt has been returned to him and canceled, and shall not deliver peanuts for which he has issued a non-negotiable receipt until such receipt has been returned to him or he has obtained from the person lawfully entitled to such delivery, or his authorized agent, a written acknowledgment thereof.

Warehouseman
not to attempt to
compel grade to
be omitted.

Sec. 7. No licensed warehouseman shall, directly or indirectly by any means whatsoever, compel or attempt to compel the depositor of any peanuts stored in bags in his licensed warehouse to request the issuance of a receipt omitting the statement of grade.

Duties of licensed warehouseman.

Regulation 5. Duties of Licensed Warehouseman.

Insurance against fire, lightning, tornado or flood.

Section 1. Paragraph 1. Each licensed warehouseman, when so requested in writing as to any peanuts by the depositor thereof or lawful holder of the receipt covering such peanuts, shall, to the extent to which in the exercise of due diligence he is able to procure such insurance, keep such peanuts while in his custody as a licensed warehouseman insured in his own name or arrange for its insurance otherwise to the extent so requested, against loss or damage by fire, lightning, tornado or flood. When insurance is not carried in the warehouseman's name, the receipts shall show that the peanuts are not insured by the warehouseman. Such insurance shall be covered by lawful policies issued by one or more insurance companies authorized to do such business, and subject to service of process in suits brought, in the State where the warehouse is located. If the warehouseman is unable to procure such insurance to the extent requested, he shall, orally or by telegraph or by telephone and at his own expense, immediately notify the person making the request of the fact. Nothing in this section shall be construed to prevent the warehouseman from adopting a rule that he will insure all peanuts stored in his warehouse.

Notice regarding insurance to be posted.

Paragraph 2. Each warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 5, and at such other place as the Chief of the Bureau or his representative may from time to time designate a notice stating briefly the conditions under which the peanuts will be insured against loss or damage by fire, lightning, tornado or flood.

Premiums, inspections, and reports.

Sec. 2. Each warehouseman shall, in accordance with his contracts with insurance and bonding companies for the purpose of meeting the insurance and bonding requirements of these regulations, pay such premiums, permit such reasonable inspections and examinations, and make such reasonable reports as may be provided for in such contracts.

Warehouseman to collect and pay over insurance.

Sec. 3. Each warehouseman shall promptly take such steps as may be necessary and proper to collect any moneys which may become due under contracts of insurance entered into by him for the purpose of meeting the requirements of these regulations, and shall, as soon as collected, promptly pay over to the persons concerned any portion of such moneys which they may be entitled to receive from him.

Care of peanuts
in licensed ware-
house.

Sec. 4. Each warehouseman shall at all times exercise such care in regard to peanuts in his custody as a reasonably careful owner would exercise under the same circumstances and conditions.

Care of non-
licensed peanuts
and other
commodities.

Sec. 5. If, at any time, a warehouseman shall handle or store peanuts otherwise than as a licensed warehouseman, or shall handle or store any other commodity, he shall so protect the same, and otherwise exercise such care with respect to it, as not to endanger the peanuts in his custody as a licensed warehouseman or impair his ability to meet his obligations and perform his duties under the Act and these regulations.

Records to be
kept in safe
place.

Sec. 6. Each warehouseman shall provide a metal fireproof safe, a fireproof vault, or a fireproof compartment in which he shall keep, when not in actual use, all records, books, and papers pertaining to the licensed warehouse, including his current receipt book, copies of receipts issued and canceled receipts, except that with the written consent of the Chief of the Bureau, or his representative, upon a showing by such warehouseman that it is not practicable to provide such fireproof safe, vault, or compartment, he may keep such records, books, and papers in some other place of safety, approved by the Chief of the Bureau or his representative. All canceled receipts shall be arranged by the warehouseman in numerical order as soon as possible after their cancellation and shall be preserved in numerical order thereafter.

Warehouse
charges.

Sec. 7. A warehouseman shall not make any unreasonable or exorbitant charge for services rendered. Before a license to conduct a warehouse is granted under the Act the warehouseman shall file with the Chief of the Bureau a copy of his rules and a schedule of charges to be made by him if licensed. Before making any change in such rules or schedule of charges he shall file with the Chief of the Bureau a statement in writing showing the proposed change and the reasons therefor. Each licensed warehouseman shall keep exposed conspicuously in the place prescribed by regulation 2, section 5, and at such other place, accessible to the public, as the Chief of the Bureau or his representative may from time to time designate, a copy of his current rules and schedule of charges.

Business
hours.

Sec. 8. Paragraph 1. Each licensed warehouse shall be kept open for the purpose of receiving peanuts for storage and delivering peanuts out of storage every business day for a period of not less than six hours between the hours of 8 a.m. and 6 p.m., except as provided in paragraph 2 of this section. The warehouseman shall keep conspicuously posted on the door

of the public entrance to his office and to his warehouse a notice showing the hours during which the warehouse will be kept open, except when such warehouse is kept open continuously from 8 a.m. to 6 p.m.

Closing of
warehouse.

Paragraph 2. In case the warehouse is not to be kept open as required by paragraph 1 of this section, the notice posted as prescribed in that paragraph shall state the period during which the warehouse is to be closed and the name of an accessible person, with the address where he is to be found, who shall be authorized to deliver peanuts stored in such warehouse, upon lawful demand by the depositor thereof or the holder of the receipt therefor, as the case may be.

Numbered tags
to be attached
to bags.

Sec. 9. Each warehouseman shall, upon acceptance of any bag of peanuts for storage, immediately attach, unless there be already attached, thereto a numbered tag of good quality which shall identify the bag. Such tag either shall be made of reasonably heavy waterproof paper or linen, with double reinforced eyelets, and be attached to the bag with a flexible, rustproof wire, or shall be made of such other material and attached by such other means as shall be approved by the Chief of the Bureau or his representative. The tags shall be attached in numerical sequence or any series of sequences clearly distinguishable from each other.

Arrangement
and tagging of
stored peanuts.

Sec. 10. Each warehouseman shall so store each bag of peanuts for which a receipt under the Act has been issued that the tag thereon, required by section 9 of this regulation, is visible and readily accessible, and shall arrange all other bags of peanuts in his licensed warehouse so as to permit an accurate count thereof.

Grades and
weights accord-
ing to which
bulk peanuts shall
be accepted and
delivered.

Sec. 11. Each licensed warehouseman shall accept all peanuts for storage and shall deliver out of storage all bulk peanuts, other than specially binned or sacked peanuts, in accordance with the grade of such peanuts as determined by a person duly licensed to grade such peanuts and to certificate the grade thereof, and in accordance with the weights of such peanuts and to certificate the weight thereof, under the Act and these regulations.

Bulk storage
of identity pre-
served peanuts.

Sec. 12. Upon the acceptance by a licensed warehouseman, for storage in his licensed warehouse, of any lot of bulk peanuts the identity of which is to be preserved, he shall store, or cause to be stored, such peanuts in an individual bin or compartment designated by lot or cargo numbers, or by letters, numbers, or other clearly distinguishable words or

signs, permanently and securely affixed thereto, or shall so mark the container or containers of such peanuts or so place the peanuts in the warehouse that their identity will not be lost during the storage period.

Delivery of
bulk peanuts.

Sec. 13. Except as may be provided by law or these regulations, each licensed warehouseman, (a) upon proper presentation of a receipt for any bulk, other than specially binned peanuts, and upon payment or tender of all advances and legal charges, shall deliver to such depositor or lawful holder of such receipt peanuts of the grade and quantity named in such receipt, and (b) upon proper presentation of a receipt for any peanuts, the identity of which was to have been preserved during the storage period, and upon payment or tender of all advances and legal charges, shall deliver to the person lawfully entitled thereto, the identical peanuts stored in his licensed warehouse.

Delivery of
identity pre-
served peanuts.

System of
accounts.

Sec. 14. Each licensed warehouseman shall use for his licensed warehouse a system of accounts, approved for the purpose by the Chief of the Bureau, which shall show for each bag or lot of peanuts, the name of the depositor, the weight of the peanuts, the grade when the grade is required to be, or is, ascertained, the location, the dates received for and delivered out of storage, and the receipts issued and canceled, a separate record for each depositor and such accounts shall include a detailed record of all moneys received and disbursed and of all effective insurance policies. In the case of peanuts stored in bags, the tag number mentioned in section 9 of this regulation shall be shown.

Reports.

Sec. 15. Each licensed warehouseman shall, from time to time, when requested by the Chief of the Bureau, make such reports, on forms prescribed and furnished for the purpose by the Bureau, concerning the condition, contents, operation, and business of the warehouse as the Chief of the Bureau may require.

Canceled re-
ceipts to be
forwarded to
Bureau for
auditing.

Sec. 16. Each warehouseman, when requested by the Bureau, shall forward his canceled receipts for auditing to such field offices of the Bureau as may be designated from time to time. For the purpose of this section, only such portion as the Bureau may designate of each canceled receipt, numbered to correspond with the actual receipt number, need be submitted.

Copies of
reports to be
kept.

Sec. 17. Each warehouseman shall keep on file, as a part of the records of the warehouse, for such period as may be prescribed by the Chief of the Bureau for each kind of report, an exact copy of each such report submitted by such warehouseman under this regulation.

Inspections and
examinations of
warehouses.

Sec. 18. Each licensed warehouseman shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to enter and inspect or examine, on any business day during the usual hours of business, any warehouse for the conduct of which such warehouseman holds a license, the office thereof, the books, records, papers, and accounts relating thereto, and the contents thereof, and such warehouseman shall furnish such officer or agent the assistance necessary to enable him to make any inspection or examination under this section.

Inspection of
weighing
apparatus.

Sec. 19. The weighing apparatus used for ascertaining the weight stated in a receipt or certificate, issued for peanuts stored in a licensed warehouse, shall be subject to examination by the officer or agent of the Department of Agriculture designated by the Chief of Bureau for the purpose. If the Bureau shall disapprove such weighing apparatus, it shall not thereafter, unless such disapproval be withdrawn, be used in ascertaining the weight of any peanuts for the purposes of the Act and these regulations.

Warehouse to
be kept clean.

Sec. 20. Each licensed warehouseman shall keep his warehouse clean and free from trash, dust, rubbish, and scattered peanuts, and shall provide bins for the storage of peanuts in bulk. He shall also exercise every precaution to keep his warehouse free of rats or insects that might cause damage or injury to peanuts in storage.

Excess
storage.

Sec. 21. If at any time a warehouseman shall store peanuts in his licensed warehouse in excess of the capacity thereof determined in accordance with paragraph 1 of section 2 of regulation 3, such warehouseman shall so arrange the peanuts as not to obstruct free access thereto and the proper use of sprinkler or other fire protection equipment provided for such warehouse, and shall immediately notify the Chief of the Bureau of such excess storage and arrangement thereof.

Removal of
peanuts from
storage.

Sec. 22. Except as may be permitted by law or these regulations, a licensed warehouseman shall not remove any peanuts for storage from the licensed warehouse or the part thereof designated in the receipt for such peanuts, if by such removal the insurance thereon will be impaired, without first obtaining the consent in writing of the holder of the receipt, and indorsing on such receipt the fact of such removal. Under no circumstances, unless it becomes absolutely necessary to protect the interests of holders of receipts, shall peanuts be removed from the licensed warehouse, and immediately upon any such removal the warehouseman shall notify the Chief of the Bureau of such removal and the necessity therefor.

Storage of
wet peanuts
prohibited.

Sec. 23. A warehouseman shall not accept for storage any peanuts in his licensed warehouse that are wet or otherwise of a condition rendering them unsuitable for storage.

Peanuts to be
so stored as
not to damage.

Sec. 24. A warehouseman shall not handle or store peanuts in such manner as will injure or damage them or in any part of the warehouse in which they are likely to be injured or damaged by excessive moisture, or otherwise.

Warehouseman
shall give
notice of
peanuts out of
condition.

Sec. 25. Paragraph 1. If the licensed warehouseman with the approval of the licensed inspector, shall determine that any peanuts are deteriorating and that such deterioration can not be stopped, the licensed warehouseman shall give immediate notice of the fact, in accordance with paragraphs 2 and 3 of this section.

Contents of
notice.

Paragraph 2. Such notice shall state (a) the warehouse in which the peanuts are stored, (b) the quantity, kind, and grade of the peanuts at the time the notice is given, (c) the actual condition of the peanuts as nearly as can be ascertained, and the reason, if known, for such condition, (d) the oldest outstanding receipts covering the amount of peanuts out of condition, giving the number and date of each such receipt and the quantity, the kind, and grade of the peanuts as stated in each such receipt, and (e) that such peanuts will be delivered upon the return and cancellation of the receipts therefor.

Persons to
whom notice
shall be sent.

Paragraph 3. A copy of such notice shall be delivered in person or shall be sent by mail (a) to the persons holding the receipts if known to the licensed warehouseman, (b) to any other persons known by the licensed warehouseman to be interested in the peanuts, and (c) to the Chief of the Bureau. If the holders of the receipts and the owners of the peanuts are known to the licensed warehouseman and can not, in the regular course of the mails, be reached within 12 hours, the licensed warehouseman shall, whether or not requested so to do, also immediately notify such persons by telegraph or telephone at their expense.

Notice to
be posted.

Public notice shall also be given by posting a copy of such notice at the place where the warehouseman is required to post his license.

Record of
persons inter-
ested in receipt
of peanuts.

Paragraph 4. Any person, interested in any peanuts or the receipt covering such peanuts stored in a licensed warehouse, may, in writing, notify the licensed warehouseman, conducting such licensed warehouse, of the fact of his interest, and such licensed warehouseman shall keep a record of the fact.

If such person request in writing that he be notified regarding the condition of any such peanuts and agree to pay the cost of any telegraph or telephone toll charge, such licensed warehouseman shall notify such person in accordance with such request.

Warehouseman not relieved from properly caring for peanuts at all times. Paragraph 5. Nothing contained in this section shall be construed as relieving the licensed warehouseman from properly caring for any peanuts after notification of their condition in accordance with this section.

Peanuts may be sold at public auction after notice Sec. 26. If the peanuts, advertised in accordance with the requirements of section 25 of this regulation, have not been removed from storage by the owner thereof within 10 days from the date of notice of their being out of condition, the licensed warehouseman in whose licensed warehouse such peanuts are stored may sell the same at public auction at the expense and for the account of the owner after giving 10 days' notice in the manner specified in paragraph 3 of section 25 of this regulation.

Warehouseman must comply with State law and his contracts. Sec. 27. Each warehouseman shall faithfully perform his obligation as a warehouseman under the laws of the State in which he is conducting his licensed warehouse and such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of peanuts in such warehouse.

Fire loss to be reported by wire. Sec. 28. If at any time a fire shall occur at or within any licensed warehouse, it shall be the duty of the warehouseman to report immediately by wire to the Chief of the Bureau the occurrence of such fire and the extent of damage.

Grade or weight certificate to be filed. Sec. 29. When a grade or weight certificate has been issued by a licensed grader or weigher, a copy of such certificate shall be filed with the warehouseman in whose warehouse the peanuts covered by such certificate are stored, and such certificate shall become a part of the records of the licensed warehouseman.

Regulation 6. Fees.

Warehouse
license fees.

Section 1. There shall be charged, assessed, and collected a fee of \$2 for each warehouseman's license.

Warehouse
inspection fees.

Sec. 2. There shall be charged, assessed, and collected for each original examination or inspection of a warehouse under the Act, when such examination or inspection is made upon application of a warehouseman, a fee at the rate of \$1 for each 100 tons of the storage capacity, or fraction thereof, determined in accordance with paragraph 1 of section 2 of regulation 3, but in no case less than \$5 nor more than \$50, and, for each reexamination or reinspection applied for by such warehouseman, a fee, based on the extent of the reexamination or reinspection, proportioned to, but not greater than, that prescribed for the original examination or inspection.

Advance
deposit.

Sec. 3. Before any warehouseman's license, modification or extension thereof is granted, or an original examination or inspection, or reexamination or reinspection, applied for by a warehouseman, is made, pursuant to these regulations, the warehouseman shall deposit with the Bureau the amount of the fee prescribed therefor. Such deposit shall be made in the form of a check, certified if required by the Bureau, or postoffice or express money order, payable to the order of "Disbursing Clerk, Department of Agriculture.

Return of
excess deposit.

Sec. 4. The Disbursing Clerk of the United States Department of Agriculture shall hold in his custody each advance deposit made under this regulation until the fee, if any, is assessed and he is furnished by the Bureau with a statement showing the amount thereof and against whom assessed. Any part of such advance deposit which is not required for the payment of any fee assessed shall be returned to the party depositing the same.

Regulation 7. Licensed Graders, Licensed Weighers and Licensed Inspectors.

Licensed grad-
ers, licensed weigh-
ers and licensed
inspectors. Appli-
cation forms.

Section 1. Paragraph 1. Application for licenses to grade, to weigh, or to inspect peanuts under the Act shall be made to the Chief of the Bureau on forms furnished for the purpose by him.

Paragraph 2. Each such application shall be in English, shall be signed by the applicant, shall be verified by him under oath or affirmation administered by a duly authorized officer,

Contents.

and shall contain or be accompanied by (a) satisfactory evidence that he has passed his twenty-first birthday, (b) the name and location of a warehouse or warehouses licensed, or for which application for license has been made, under the Act in which peanuts sought to be graded, weighed and inspected under such license are or may be stored, (c) a statement from the warehouseman conducting such warehouse showing whether or not the applicant is competent and is acceptable to such warehouseman for the purpose, (d) satisfactory evidence that he has had at least one year's experience in the kind of service for which a license is sought or the equivalent of such experience, and that he is competent to perform such services, except in the case of applicants for weighers' licenses one month's experience will be sufficient, (e) a statement by the applicant that he agrees to comply with and abide by the terms of the Act and these regulations so far as the same may relate to him, and (f) such other information as the Chief of the Bureau may deem necessary.

Applicant must furnish additional information if required.

Paragraph 3. The applicant shall at any time furnish such additional information as the Secretary or the Chief of the Bureau shall find to be necessary to the consideration of his application by the Secretary.

Combined grader's, weigher's and inspector's application.

Paragraph 4. A single application may be made by any person for a license to grade, to weigh and to inspect upon complying with all the requirements of this section.

Examination

Sec. 2. Each applicant for a license as a grader, a weigher, or an inspector and each licensed grader, licensed weigher or licensed inspector shall, whenever requested by an authorized agent of the Department of Agriculture designated by the Chief of the Bureau for the purpose, submit to an examination or test to show his ability properly to perform the duties for which he has been licensed.

Posting of license.

Sec. 3. Each licensed grower shall keep his license conspicuously posted in the office where all or most of the grading is done, and each licensed weigher or licensed inspector shall keep his license conspicuously posted in the warehouse office or in such place as may be designated for the purpose by the Chief of the Bureau.

Duties of grader, weigher and inspector.

Sec. 4. Each licensed grader, each licensed weigher, and each licensed inspector when requested, shall, without discrimination, as soon as practicable, and upon reasonable terms grade, weigh or inspect and certificate the grade, weigh or condition for storage of peanuts stored or to be stored in a licensed warehouse

for which he holds a license, if such peanuts be offered to him under such conditions as permit proper inspection and the determination of the grade, weight or condition thereof, as the case may be. Each such grader, weigher, or inspector shall give preference to persons who request his services as much over persons who request his services in any other capacity. No grade, weight or inspection certificate shall be issued under the Act for peanuts not stored or not to be stored in a licensed warehouse.

Grade
certificate.

Sec. 5. Each grade certificate issued under the Act by a licensed grader shall be in a form approved for the purpose by the Chief of the Bureau and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Grade Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of grading, (f) the identification of each bag of peanuts, if in bags, by the tag number given to the bag in accordance with regulation 5, section 9, or if there be no such tag number by other marks or numbers, (g) the grade or other class of each bag or lot of peanuts covered by the certificate, in accordance with regulation 8 as far as applicable, and the standard or description in accordance with which the grade is made, (h) the approximate amount of peanuts covered by the certificate, (i) that the certificate is issued by a licensed grader under the United States warehouse Act and regulations thereunder, and (j) the signature of the licensed grader. In addition, the grade certificate may include any other matter not inconsistent with the Act or these regulations.

Weight
certificate.

Sec. 6. Each weight certificate issued under the Act by a licensed weigher shall be in a form approved for the purpose by the Chief of the Bureau, and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Weight Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of weighing, (f) the identification of each bag of peanuts, if in bags, by the tag number given to the bag in accordance with regulation 5, section 9, or if there be no such tag number, by other marks or numbers, (g) the gross weight of the peanuts, (h) that the certificate is issued by a licensed weigher, under the United States warehouse Act and the regulations thereunder, and (i) the signature of such licensed weigher. In addition, the weight certificate may include any other matter not inconsistent with the Act or these regulations.

Inspection
certificate.

Sec. 7. Each inspection certificate issued under the Act by a licensed inspector shall be in a form approved for the purpose by the Chief of the Bureau, and shall embody within its written or printed terms (a) the caption "United States warehouse Act, Peanut Inspection Certificate," (b) whether it is an original, a duplicate, or other copy, (c) the name and location of the licensed warehouse in which the peanuts are or are to be stored, (d) the date of the certificate, (e) the location of the peanuts at the time of inspection, (f) the identification of each bag of peanuts, if in bags, by the tag number given to the bag in accordance with regulation 5, section 9, or if there be no such tag number by other marks or numbers, (g) the condition of the peanuts for storage at the time of inspection, (h) that the certificate is issued by a licensed inspector, under the United States warehouse Act and regulations thereunder, (i) a blank space designated for the purpose in which may be stated any general remarks on the condition of the peanuts, (j) the signature of such licensed inspector. In addition, the inspection certificate may include any other matter not inconsistent with the Act of these regulations.

Combined grade,
weight and
inspection cer-
tificate.

Sec. 8. The grade, weight and condition of any peanuts, ascertained by a licensed grader, a licensed weigher and a licensed inspector may be stated on a certificate meeting the combined requirements of sections 5, 6 and 7 of this regulation, if the form of such certificate shall have been approved for the purpose by the Chief of the Bureau.

Copies of
certificates to
be kept.

Sec. 9. Each licensed grader, each licensed weigher and each licensed inspector shall keep for a period of one year in a place accessible to interested persons a copy of each certificate issued by him under these regulations and shall file a copy of each such certificate with the warehouse in which the peanuts covered by the certificate are stored.

Licensees to
permit and
assist in ex-
amination.

Sec. 10. Each licensed grader, each licensed weigher and each licensed inspector shall permit any officer or agent of the Department of Agriculture, authorized by the Secretary for the purpose, to inspect or examine, on any business day during the usual hours of business, his books, papers, records, and accounts relating to the performance of his duties under the Act and these regulations, and shall, with the consent of the licensed warehouseman concerned, assist any such officer or agent in the inspection or examination of records mentioned in section 14 of regulation 5, as far as any such inspection or examination relates to the performance of the duties of such licensed grader, licensed weigher or licensed inspector under the Act and these regulations.

Reports.

Sec. 11. Each licensed grader, each licensed weigher and each licensed inspector shall, from time to time, when requested by the Chief of the Bureau, make reports on forms furnished for the purpose by the Bureau, bearing upon his activities as such licensed grader, licensed weigher or licensed inspector.

Suspensions,
revocations, or
cancellation of
grader's, weigh-
er's and in-
spector's licenses.

Sec. 12. Pending investigation the Secretary may, whenever he deems necessary, suspend the license of a licensed grader, licensed weigher or licensed inspector temporarily without hearing. Upon a written request and a satisfactory statement of reasons therefor, submitted by the licensed grader, licensed weigher or licensed inspector, the Secretary may, without hearing, suspend or cancel the license issued to such licensed grader, licensed weigher or licensed inspector. The Secretary may, after opportunity for hearing when possible has been afforded in the manner prescribed in this section, suspend or cancel a license issued to a licensed grader, licensed weigher or licensed inspector, when such licensed grader, licensed weigher or licensed inspector, (a) has ceased to perform services as such grader, weigher or inspector, or (b) has in any other manner become incompetent or incapacitated to perform the duties of such licensed grader, licensed weigher or licensed inspector. As soon as it shall come to the attention of a licensed warehouseman that either of the conditions mentioned under (a) and (b) exist, or that the licensed grader or weigher or inspector has died or is non composmentis, it shall be the duty of such warehouseman to notify in writing the Chief of the Bureau. Before the license of any licensed grader, licensed weigher or licensed inspector is suspended or revoked pursuant to section 12 of the Act, such licensed grader, licensed weigher or licensed inspector shall be furnished by the Secretary, or by an official of the Department of Agriculture designated for the purpose, a written statement specifying the charges and shall be allowed a reasonable time within which he may answer the same in writing and apply for a hearing, an opportunity for which shall be afforded in accordance with regulation 10, section 4.

Return of sus-
pended, revoked, or
canceled grader's
weigher's and
inspector's
licenses.

Sec. 13. Paragraph 1. In case a license issued to a licensed grader, licensed weigher or licensed inspector is suspended, revoked, or canceled by the Secretary, such license shall be returned to the Secretary. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed grader, licensed weigher or licensed inspector to whom it was originally issued, and it shall be posted as prescribed in section 3 of this regulation.

License terminates with warehouse license.

New licenses, when issued.

Lost or destroyed grader's, weigher's or inspector's licenses.

Unlicensed graders, weighers and inspectors must not represent themselves as licensed.

Variety, grade and condition to be stated in accordance with regulations.

Standards to be used.

Statement of variety, grade and condition.

Paragraph 2. Any license issued under the Act and these regulations to a grader, weigher or inspector shall automatically terminate as to any licensed warehouse whenever the license of such warehouse shall be revoked or canceled. Thereupon the license of such grader, weigher, or inspector shall be returned to the Secretary. In case such license shall apply to other warehouses the Secretary shall issue to him a new license, omitting the names of the warehouses covering which licenses have been so revoked or canceled. Such new licenses shall be posted as prescribed in section 3 of this regulation.

Sec. 14. Upon satisfactory proof of the loss or destruction of a license issued to a licensed grader, licensed weigher or licensed inspector, a duplicate thereof may be issued under the same or a new number, in the discretion of the Secretary.

Sec. 15. No person shall in any way represent himself to be a grader, weigher or inspector, licensed under the Act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the Act.

Regulation 8. Peanut Grading.

Section 1. Whenever the variety, grade, or condition of peanuts is required to be or is stated for the purposes of this Act and these regulations, it shall be stated in accordance with this regulation.

Sec. 2. Until such time as official peanut grades of the United States are in effect, the variety, grade, and condition of peanuts shall be stated as far as applicable (a) in accordance with the State standards, if any, established in the State in which the warehouse is located, (b) in the absence of any State standards, in accordance with the standards, if any, adopted by any peanut organization or by the peanut trade generally in the locality in which the warehouse is located, subject to the disapproval of the Chief of the Bureau, or (c) in the absence of the aforesaid standards in accordance with any standards approved by the Chief of the Bureau.

Sec. 3. Whenever the variety, grade or condition of the peanuts is stated for the purposes of this act and these regulations, the terms used shall be correctly applied and shall be so selected as not to convey a false impression of

the peanuts. In determining the variety, grade or condition of a given lot of peanuts, at least six samples of five pounds each, fairly representative of the contents of the car, or two samples of two pounds each fairly representative of the contents of the wagon, shall be taken from the various parts of the carload or wagonload of peanuts offered for storage. These samples shall be thoroughly mixed and after being so mixed, from this mixture by quartering, not less than 100 grams shall be taken, which, after being hand shelled, (in the case of varieties used for shelling purposes exclusively) shall constitute the grade.

In the classification or grading of Virginia type peanuts or peanuts which may be sold to the consuming trade in the shell, the same method of sampling shall be used, except that samples of one-half pound shall be taken from 10 per cent of the sacks of peanuts from various parts of the lot offered for storage, and this sample shall constitute the grade without shelling.

Regulation 9. Arbitrations.

Peanut arbitration.

Section 1. Paragraph 1. In case a question arises as to whether the variety, grade, condition, or weight of the peanuts was correctly stated in a receipt, inspection certificate, grade certificate, or weight certificate issued under the Act and these regulations, or as to whether an official sample was properly drawn by a licensed inspector in accordance with these regulations, the licensed warehouseman concerned or any person financially interested in the peanuts involved may, after reasonable notice to the other interested party, submit the question to an arbitration committee for determination in accordance with this section.

Arbitration committee.

Paragraph 2. Such arbitration committee shall be composed of three or more disinterested persons who are competent to pass upon the questions involved. If there be a local trade organization such as a Board of Trade, Chamber of Commerce, Exchange, or Inspection Department which provides such a committee under a rule or practice acceptable to the Chief of the Bureau for the purpose, such committee may determine the question. In the absence of such a committee, or if for any good reason not inconsistent with the Act and these regulations such committee is not acceptable to either of the parties interested, the complainant and the other party shall each name a member and the two members so named shall select a third member, who shall constitute the arbitration committee. Each member of any such committee shall at all times be subject

for good cause to the disapproval of the Chief of the Bureau, and in case any member is so disapproved he shall not thereafter act on an arbitration committee under this section unless such disapproval be withdrawn.

Arbitration
committee
proceedings.

Paragraph 3. It shall be the duty of such parties to acquaint the arbitration committee with the exact nature of the question to be determined and all the necessary facts and to permit the committee to examine the receipt, certificate, sample, or peanuts involved or any papers or records needed for the determination of the question. The committee shall make a written finding setting forth the question involved, the necessary facts, and its determination. Such findings or a true copy thereof, shall be filed as a part of the records of the licensed warehouseman involved. It may dismiss the matter without determination upon the request of the complainant, or for non-compliance by the complainant with the law or these regulations, or because it is without sufficient evidence to determine the question, in which case the decision shall be deemed to be against the complainant. Except as otherwise provided by law, its decision shall be final for the purposes of the Act and these regulations, unless the Chief of the Bureau shall direct a review of the question. Any necessary and reasonable expense of such arbitration shall be borne by the losing party, unless the committee shall decide that such expense shall be prorated between the parties.

New receipts
or certificates
to be issued, or
new samples drawn.

Paragraph 4. If the decision of the arbitration committee be that the variety, grade, condition, or weight was not correctly stated, the receipt or certificate involved shall be returned to and canceled by the licensee who issued it and he shall substitute therefor one conforming to the decision of the committee. If the decision of the committee be that a sample was not properly drawn in accordance with these regulations, it shall cease to be an official sample for the purposes of these regulations, and the licensed inspector, at the request of any of the parties to the arbitration, shall draw and substitute a new sample, complying with these regulations with respect to such sample.

Regulation 10. Miscellaneous.

Regulations
applicable to
State warehouses.

Section 1. Every person applying for a license, or licensed, under section 9 of the Act, shall, as such, be subject to all portions of these regulations, except regulation 2, section 3, so far as they may relate to warehousemen. In case there is a law of any State providing for a system of warehouses owned, operated, or leased by such State, a person applying for a

license under section 9 of the Act, to accept the custody of peanuts and to store the same in any of said warehouses, may, in lieu of a bond or bonds, complying with regulation 3, sections 1 and 2, file with the Secretary a single bond meeting the requirements of the Act and these regulations, in such form, and in such amount not less than \$5,000 as he shall prescribe, to insure the performance by such person, with respect to the acceptance of the custody of peanuts and their storage in the warehouses in such system for which licenses are or may be issued, of his obligations arising during the periods of any modifications or extensions thereof. In fixing the amount of such bond, consideration shall be given, among other appropriate factors, to the character of the warehouses involved, their actual or contemplated capacity, the bonding requirements of the State, and its liability with respect to such warehouses. If the Secretary shall find the existence of conditions warranting such action, there shall be added to the amount of the bond so fixed, a further amount, fixed by him, to meet such conditions.

Publications.

Sec. 2. Publications under the Act and these regulations shall be made in service and regulatory announcements of the Bureau of Agricultural Economics, and such other media as the Chief of that Bureau may from time to time designate for the purpose.

Violations of
Act and regula-
tions to be
reported.

Sec. 3. Every person licensed under the Act shall immediately furnish the Chief of the Bureau any information which comes to the knowledge of such person tending to show that any provision of the Act or these regulations has been violated.

Procedure
in hearings.

Sec. 4. For the purpose of a hearing under the Act and these regulations, except regulation 9, the licensee involved shall be allowed a reasonable time, fixed by the Secretary or by an official of the Department of Agriculture designated by him for the purpose, within which affidavits and other proper evidence may be submitted. If requested by the licensee within such time, an oral hearing, of which reasonable notice shall be given, shall be held before, and at a time and place fixed by, the Secretary or an official of the Department of Agriculture designated by him for the purpose. The testimony of the witnesses at such oral hearing shall be upon oath or affirmation administered by the official before whom the hearing is held, when required by him. Such oral hearing may be adjourned by him from time to time. After reasonable notice to all parties concerned, the deposition of any witness may be taken at a time and place and before a person designated for

the purpose by the Secretary or an official of the Department of Agriculture authorized by the Secretary. Every written entry in the records of the Department of Agriculture made by an officer or employee thereof in the course of his official duty, which is relevant to the issue involved in a hearing, shall be admissible as prima facie evidence of the facts stated therein without the production of such officer or employee. Copies of all papers and all the evidence submitted or considered in such hearing shall be made a part of the records of the Department of Agriculture. The records and, when there has been an oral hearing other than by the Secretary, the recommendation of the official holding such oral hearing shall be transmitted to the Secretary for his consideration. Each party shall pay all expenses contracted by him in connection with any hearing under this section.

No conflict
with State or
Federal laws.

Sec. 5. Nothing in these regulations shall be construed to conflict with, or to authorize any conflict with, or in any way to impair or limit the effect or operation of the laws of any State relating to warehouses, warehousemen, inspectors, graders, or weighers, nor shall these regulations be construed so as to limit the operation of any statute of the United States relating to warehouses, warehousemen, inspectors, graders, or weighers now in force in the District of Columbia, or in any Territory or other place under the exclusive jurisdiction of the United States.

Amendments.

Sec. 6. Any amendment to, or revision of, these regulations, unless otherwise stated therein, shall apply in the same manner to persons holding licenses at the time it becomes effective as it applied to persons thereafter licensed under the Act.

